VOLUME 2

STATUTES OF CALIFORNIA

1951

CONSTITUTION OF 1879 AS AMENDED

MEASURES SUBMITTED TO VOTE OF ELECTORS,
1950 GENERAL ELECTION

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

PASSED AT THE
1950 THIRD EXTRAORDINARY SESSION OF
THE LEGISLATURE
AND THE
1951 REGULAR SESSION OF THE LEGISLATURE



Item		Amount	
Schedule:			
(a) Partial Site Development	10,000		
(b) Dormitory	150,000		
Total of schedule	160,000		
297—For minor construction, improvements, repairs, and equipment, Los Guilucos School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund		14,400	
298—For major construction, improvements, and equipment, Ventura School for Girls, Youth Authority, payable from the Capital Outlay and Savings Fund		905,000	Ventura School
298.1—For acquisition of real property, Ventura School for Girls, Youth Authority, to be expended under the provisions of the Property Acquisition Act, payable from the Capital Outlay and Savings Fund		200,000	
298.2—For major construction, improvements and equipment, Ventura School for Girls, Youth Authority, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		135,000	
Schedule:			
(a) Preliminary Plans	60,000		
(b) Repairs and Improvements to Buildings and Elimination of Fire Hazards	75,000		
Total of schedule	135,000		
299—For minor construction, improvements, repairs, and equipment, Chico State College, Department of Education, payable from the Capital Outlay and Savings Fund		92,040	Chico State College
300—For major construction, improvements, and equipment, Fresno State College, Department of Education in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		670,200	Fresno State College
Schedule:			
(a) Power Plant	295,200		
(b) Site Development	375,000		
Total of schedule	670,200		
301—For minor construction, improvements, repairs, and equipment, Fresno State College, Department of Education, payable from the Capital Outlay and Savings Fund		34,924	

302—For major construction, improvements, and equipment, for the School of Agriculture of Fresno State College, Fresno State College, payable from State College Fund in accordance with the following schedule 528,746

Schedule:

(a) Remodel Building for Slaughterhouse	115,886
(b) Initial Complement of Equipment	63,000
(c) Farm Site Development (Partial Cost)	145,444
(d) Central Swine Unit Building (Partial Cost)	16,686
(e) Poultry Unit Building (Partial Cost)	4,282
(f) Dairy Products Processing Plant (Partial Cost)	15,269
(g) Beef and Hog Fattening Units (Partial Cost)	37,317
(h) Calf Barn (Partial Cost)	3,572
(i) Beef Feeding Barn (Partial Cost)	41,866
(j) Viticulture, Fruit, and Nut Building (Partial Cost)	25,424
(k) Firehouse and equipment	60,000
Total of schedule	528,746

302.1—For construction and equipment of projects for Fresno State College that are payable from the State College Fund, to be allocated by the Director of Finance upon approval of the State Public Works Board to and for expenditure upon such projects for which money has been made available and which cannot be undertaken because bids received are in excess of the estimate or the amount available for such construction, or for equipment for any such project, payable from the State College Fund 190,000

303—For minor construction, improvements, repairs, and equipment, for the School of Agriculture of Fresno State College, Fresno State College, payable from State College Fund 86,442

Humboldt State College

304—For minor construction, improvements, repairs, and equipment, Humboldt State College, Department of Education, payable from the Capital Outlay and Savings Fund 37,590

304.1—For minor construction, improvements, and equipment, Humboldt State College, Department of Education, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund 36,000

Item		Amount	
Schedule:			
(a) Equip Science Laboratories	36,000		
Total of schedule	36,000		
304.3—For minor construction, improvements, repairs and equipment, initial complement of equipment for Long Beach State College, Department of Education, payable from the Capital Outlay and Savings Fund		130,623	Long Beach State College
304.5—For minor construction, improvements, repairs, and equipment, initial complement of equipment, Los Angeles State College of Applied Arts and Sciences, Department of Education, payable from the Capital Outlay and Savings Fund		69,602	Los Angeles State College
304.7—For minor construction, improvements, repairs and equipment, initial complement of equipment, Sacramento State College, Department of Education, payable from the Capital Outlay and Savings Fund		68,357	Sacramento State College
304.8—For major construction, improvements, and equipment, Sacramento State College, Department of Education, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		271,700	
(a) Temporary facilities for new campus	271,700		
Total of schedule	271,700		
305—For major construction, improvements, and equipment, San Diego State College, Department of Education, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		518,500	San Diego State College
Schedule:			
(a) Natural Science Building (Partial Cost)	267,000		
(b) Site Development (Partial Cost)	251,500		
Total of schedule	518,500		
305.1—For major construction, improvements, and equipment, San Diego State College, Department of Education, in accordance with the following schedule payable from the Capital Outlay and Savings Fund		930,000	
Schedule:			
(a) Boiler Plant Addition	70,000		
(b) Industrial Arts and Engineering Building (Partial Cost)	363,000		

Item		Amount
	(c) Music and Speech Arts Building (Partial Cost)---- 497,000	
	Total of schedule------- 930,000	
	306—For minor construction, improvements, repairs, and equipment, San Diego State College, Department of Education, payable from the Capital Outlay and Savings Fund-------	104,815
San Francisco State College	307—For minor construction, improvements, repairs, and equipment, San Francisco State College, payable from the Capital Outlay and Savings Fund ----------	48,620
San Jose State College	308—For minor construction, improvements, repairs, and equipment, San Jose State College, payable from the Capital Outlay and Savings Fund ----------	57,520
California State Polytechnic College	309—For major construction, improvements, and equipment, California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code, in accordance with the following schedule----------	469,000
	Schedule:	
	(a) Central Boiler Plant------ 469,000	
	Total of schedule------- 469,000	
	310—For minor construction, improvements, repairs, and equipment, California State Polytechnic College, payable from any moneys in the Fair and Exposition Fund available to said school under the provisions of Section 19626 of the Business and Professions Code--	148,677
California Maritime Academy	311—For minor construction, improvements, repairs, and equipment, California Maritime Academy, payable from the Capital Outlay and Savings Fund----------	11,310
California School for Blind	312—For minor construction, improvements, repairs, and equipment, California School for the Blind at Berkeley, payable from the Capital Outlay and Savings Fund----------	44,205
California School for Deaf	313—For minor construction, improvements, repairs, and equipment, California School for the Deaf, Berkeley, payable from the Capital Outlay and Savings Fund----------	17,821
School for Cerebral Palsied Children	314—For minor construction, improvements, repairs, and equipment, School for Cerebral Palsied Children, Southern California, payable from the Capital Outlay and Savings Fund--	4,920

Item		Amount
		Training Center for Adult Blind
315—For minor construction, improvements, repairs, and equipment, Training Center for the Adult Blind, Oakland, payable from the Capital Outlay and Savings Fund		65,252
		State Blind Shop
316—For minor construction, improvements, repairs, and equipment, State Blind Shop, San Diego, payable from the Capital Outlay and Savings Fund		16,113
		University of California
317—For acquisition of real property in Berkeley and Davis, University of California, exempt from Section 13 of this act, payable from the Capital Outlay and Savings Fund		120,000
318—For major construction, improvements, and equipment, University of California, exempt from Section 13 of this act, payable from the Capital Outlay and Savings Fund		3,627,000
318.1—For major construction, improvements, and equipment, University of California, exempt from Section 13 of this act, payable from the Capital Outlay and Savings Fund		1,134,000
319—For minor construction, improvements, repairs, and equipment, University of California, exempt from Section 13 of this act, payable from the Capital Outlay and Savings Fund		416,000
		Department of Finance
320—For major construction, improvements, and equipment, Buildings and Grounds Division, Department of Finance, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		182,232
Schedule:		
(a) Addition to State Treasury vault	182,232	
Total of schedule	182,232	
321—For minor construction, improvements, repairs, and equipment, Buildings and Grounds Division, Department of Finance, payable from the Capital Outlay and Savings Fund		102,709
322—For major construction, improvements, and equipment of Governor's residence, Buildings and Grounds Division, Department of Finance, payable from Capital Outlay and Savings Fund		262,500
Notwithstanding any other provisions of this section, or any other provision of law, this item is available for expenditure during the 1950-51 and 1951-52 Fiscal Year.		
		Agricultural Association
323—For minor construction, improvements, and equipment, Sixth District Agricultural Association, payable from any moneys in the Fair		

Item		Amount
	and Exposition Fund available for permanent improvements upon the property of state, citrus, county, or district agricultural associations for fair purposes, allocated by Section 19626 of the Business and Professions Code---	2,000
Highway Patrol	325—For communication facilities and equipment and installation thereof, Department of the California Highway Patrol, payable from the Motor Vehicle Fund----------	51,000
Langley Porter Clinic	326—For minor construction, improvements, repairs, and equipment, Langley Porter Clinic, payable from the Capital Outlay and Savings Fund ----------	21,100
Psychiatric Hospital Clinic	327—For major construction, improvements, and equipment, Psychiatric Hospital Clinic, Los Angeles, Department of Mental Hygiene, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund ----------	1,945,000
	Schedule:	
	(a) Construction of first major unit to include ward buildings, administration buildings, and service facilities-- 1,945,000	
	Total of schedule-------- 1,945,000	
Agnews State Hospital	328—For major construction, improvements, and equipment, Agnews State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund--	241,053
	Schedule:	
	(a) Kitchen and food service unit ---------- 241,053	
	Total of schedule-------- 241,053	
	329—For minor construction, improvements, repairs, and equipment, Agnews State Hospital, payable from the Capital Outlay and Savings Fund ----------	174,909
Camarillo State Hospital	330—For acquisition of real property for water development to be expended under the provisions of the Property Acquisition Act, Camarillo State Hospital, payable from the Capital Outlay and Savings Fund----------	75,000
	331—For major construction, improvements and equipment, Camarillo State Hospital, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund ----------	50,000

Item		Amount	
Schedule:			
(a) Water development and well replacement	50,000		
Total of schedule	50,000		
332—For minor construction, improvements, repairs, and equipment, Camarillo State Hospital, payable from the Capital Outlay and Savings Fund		112,000	
333—For minor construction, improvements, repairs, and equipment, DeWitt State Hospital, payable from the Capital Outlay and Savings Fund		156,585	DeWitt State Hospital
334—For minor construction, improvements, repairs, and equipment, Mendocino State Hospital, payable from the Capital Outlay and Savings Fund		197,502	Mendocino State Hospital
335—For minor construction, improvements, repairs, and equipment, Modesto State Hospital, payable from the Capital Outlay and Savings Fund		81,084	Modesto State Hospital
336—For minor construction, improvements, repairs, and equipment, Napa State Hospital, payable from the Capital Outlay and Savings Fund		142,500	Napa State Hospital
337—For minor construction, improvements, repairs, and equipment, Norwalk State Hospital, payable from the Capital Outlay and Savings Fund		250,450	Norwalk State Hospital
338—For minor construction, improvements, repairs, and equipment, Patton State Hospital, payable from the Capital Outlay and Savings Fund		292,450	Patton State Hospital
339—For minor construction, improvements, repairs, and equipment, Stockton State Hospital, payable from the Capital Outlay and Savings Fund		225,970	Stockton State Hospital
340—For major construction, improvements, and equipment, design, preliminary plans and specifications necessary for the establishment of a new mental hospital in Southern California, Department of Mental Hygiene, payable from the Capital Outlay and Savings Fund		206,300	Southern California Mental Hospital
341—For major construction, improvements, and equipment, Pacific Colony, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		187,000	Pacific Colony

Item		Amount
	Schedule:	
	(a) Equipment for kitchen annex	45,000
	(b) Install sewer line and pumping plant	142,000
	Total of schedule	187,000
	342—For minor construction, improvements, repairs, and equipment, Pacific Colony, payable from the Capital Outlay and Savings Fund	158,720
Sonoma State Home	343—For minor construction, improvements, repairs, and equipment, Sonoma State Home, payable from the Capital Outlay and Savings Fund	270,175
State Institution for Epileptics	344—For major construction, improvements, and equipment, State Institution for Epileptics, Porterville, Department of Mental Hygiene, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	2,782,400
	Schedule:	
	(a) Additional ward buildings	2,250,000
	(b) Auditorium	297,000
	(c) Additional school and classrooms	235,400
	Total of schedule	2,782,400
Adjutant General, etc.	345—For major construction, improvements, and equipment, Adjutant General, California National Guard, and California Defense and Security Corps, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	257,200
	Schedule:	
	(a) Construction, improvements, and equipment of armories in or near:	
	(1) Long Beach	127,200
	(2) San Francisco	50,000
	(3) Lodi	30,000
	(b) Preparation of plans for and supervision of construction to be financed from federal funds	50,000
	Total of schedule	257,200
	345.1—For major construction, improvements, and equipment, Adjutant General, California National Guard, and California Defense and	

Item	Amount
Security Corps, payable from the Capital Outlay and Savings Fund---------- and in addition thereto any grants made available by the Federal Government.	584,000

No expenditure shall be made from this item unless federal grants for such construction, improvements, and equipment become available. Funds on a federal-state sharing basis shall be used for armories in accordance with the following schedule, such federal-state sharing shall include not less than 50 percent federal funds:

Schedule:

(a) Construction, improvements, and equipment of armories in or near:

(1) Bakersfield
(2) Vallejo
(3) Fresno
(4) San Francisco
(5) Glendale
(6) Alhambra
(7) Los Angeles

provided that to the extent that the Public Works Board determines funds are available after making allocations on a federal-state sharing basis for all armories in the above schedule this item may be expended on a federal-state sharing basis for armories in or near any one of the cities and for the other purpose shown in the following schedule, such federal-state sharing shall include not less than 50 percent federal funds:

(a) Construction, improvement and equipment of armories in or near:

San Diego
Red Bluff
Delano
Gardena
Fairfax
Monterey
Santa Cruz
San Francisco
Walnut Creek
Brawley
Indio
Marysville
Mountain View
Norwalk
Oakdale
Oroville
Paso Robles

Item		Amount
	Placerville Sacramento San Bruno Susanville Tulare	
	(b) Additions and alterations to existing armories.	
	The location designation in the above schedules shall be liberally construed so as to include any location within 10 miles of a city or town named therein. It is further provided that the priority for construction of armories may be adjusted with the approval of the Public Works Board to conform to any requirements made in connection with grants by the Federal Government.	
345.2	—For major construction, improvements, and equipment, Adjutant General, California National Guard, and California Defense and Security Corps, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund	1,215,500
	Schedule:	
	(a) Construction, improvements, and equipment of armories in or near:	
	(1) San Diego 508,000	
	(2) Red Bluff 127,000	
	(3) Delano 127,000	
	(4) Gardena 127,000	
	(5) Fairfax 127,000	
	(6) Monterey 127,000	
	(7) Santa Cruz 152,500	
	(8) San Francisco 377,000	
	(9) Walnut Creek 127,000	
	Total of schedule 1,799,500	
	Less: Amount in Item 345.1 584,000	
		1,215,500
346	—For minor construction, improvements, repairs, and equipment, Adjutant General, California National Guard, and California Defense and Security Corps, payable from the Capital Outlay and Savings Fund	29,000
Division of Beaches and Parks	348—For acquisitions of parcels of land in conformity with Sections 880 and 881 of the Streets and Highways Code, Division of Beaches and Parks, Department of Natural Resources, subject to the provisions of the	

Item		Amount
	Property Acquisition Act, payable from the State Beach Fund---------- provided, that the amount expended for any parcel of land shall not exceed the difference between the appraised value of the land and the amount of any severance damages which would be payable by the Division of Highways were the parcel of land not acquired by the Division of Beaches and Parks.	175,000
349	—For minor construction, improvements, repairs, and equipment at Columbia Historic State Park, Division of Beaches and Parks, payable from the Capital Outlay and Savings Fund---------- provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	Columbia State Park 29,600
350	—For minor construction, improvements, repairs and equipment of state parks, Division of Beaches and Parks, Department of Natural Resources, payable from the Capital Outlay and Savings Fund---------- provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfers shall be made by the State Controller upon written order of the Department of Finance.	State parks 269,560

Item		Amount
State beaches	351—For minor construction, improvements, repairs, and equipment of state beaches, Division of Beaches and Parks, Department of Natural Resources, payable from State Beach Fund	97,975
Carpinteria Beach State Park	351.1—For major construction, improvements, and equipment, sewage disposal system, Carpinteria Beach State Park, Division of Beaches and Parks, Department of Natural Resources, payable from the State Beach Fund	32,625
Riding, etc., trails	352—For establishment and development of riding and hiking trails, Division of Beaches and Parks, Department of Natural Resources, payable from the Capital Outlay and Savings Fund	85,000
	provided, that any moneys made available to the Division of Beaches and Parks, Department of Natural Resources, from this item shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.	
Division of Fish and Game	353—For acquisition of real property as a site for a warehouse, Division of Fish and Game, Department of Natural Resources, subject to the approval of the Department of Finance, payable from the Fish and Game Preservation Fund, to be expended under provisions of the Property Acquisition Act	1,000
	354—For major construction, improvements, and equipment, Division of Fish and Game. Department of Natural Resources, payable from the Fish and Game Preservation Fund, in accordance with the following schedule	140,000
	Schedule:	
	(a) Join and enlarge 3 main buildings—Terminal Island 100,000	
	(b) Construct stream improvement structure — Navarro River 40,000	
	Total of schedule 140,000	

Item		Amount
355—For minor construction, improvements, repairs, and equipment, Division of Fish and Game, Department of Natural Resources, payable from the Fish and Game Preservation Fund		332,340
	Wildlife Conservation Board	
356—For major construction, improvements, repairs, and equipment and for acquisition of such lands, rights in land, water or water rights as may be necessary to carry out the provisions of the Wildlife Conservation Act of 1947, Wildlife Conservation Board, Department of Natural Resources, payable from the Wildlife Restoration Fund		4,014,796
together with any balance remaining in Item 459, Budget Act of 1950.		
	Division of Forestry	
357—For major construction, improvements, and equipment, Division of Forestry, Department of Natural Resources, payable from the Capital Outlay and Savings Fund		428,674
358—For minor construction, improvements, repairs, and equipment, Division of Forestry, Department of Natural Resources, payable from the Capital Outlay and Savings Fund		144,156
	Department of Public Health	
359—For major construction, improvements, and equipment, Department of Public Health, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		1,528,722
Schedule:		
(a) Office and laboratory building (partial cost)	1,528,722	
	Reclamation Board Sacramento River Flood Control Project	
360—For lands, rights of way, borrow pits, and easements for levees and flood control works to be constructed by the United States within the Sacramento River Flood Control Project, and for advances and payment to the United States for incidental construction items which are a right of way cost or obligation of the State in the construction of said levees and flood control works, and for materials and necessary construction or reconstruction of, or alterations to highways, bridges, power lines, pipelines and other structures or facilities, and for flowage rights over lands in overflow areas, Reclamation Board, payable from the Flood Control Fund of 1946		750,000
The appropriation made by this item shall be available for expenditure until June 30, 1953.		
	Veterans Home of California	
361—For major construction, improvements, and equipment, Veterans Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		303,174

Item		Amount
Schedule:		
(a) Hospital kitchen alterations	108,000	
(b) Recreation center and auditorium	142,300	
(c) Sewer and water lines	52,874	
Total of schedule	303,174	
361.1—For major construction, improvements, and equipment, Veterans' Home of California, in accordance with the following schedule, payable from the Capital Outlay and Savings Fund		942,000
Schedule:		
(a) Chronic and convalescent barracks	862,000	
(b) Hospital recreation center and storage facilities	80,000	
Total of schedule	942,000	
362—For minor construction, improvements, repairs, and equipment, Veterans Home of California, payable from the Capital Outlay and Savings Fund		38,607
Office of Civil Defense 362.1—For facilities, materials, supplies, equipment and other requirements for civil defense, Office of Civil Defense, in accordance with the following schedule		12,000,000
and in addition thereto any amounts made available by the Federal Government, to be expended only pursuant to allotments recommended by the State Disaster Council and approved by the Director of Civil Defense, the Director of Finance, and the Governor:		
Schedule:		
(a) Construction, improvements, and equipment of communication facilities	1,000,000	
(b) Medical and first aid supplies and equipment	3,167,000	
provided that $2,000,000 of this amount shall be available only if matched by a like amount from federal grants;		
(c) Instruments and equipment for radiological services, including installation and maintenance	300,000	

Item		Amount	
(d) Other civil defense requirements ---------- provided that no expenditure shall be made from this category until federal grants are available for matching and until this item is implemented by a specific enactment of this State prescribing the basis for matching the federal grant and for allocating this category		7,533,000	
Total of schedule-------		12,000,000	

The unexpended balance in the appropriation in Chapter 43, Statutes of 1950, Third Extraordinary Session, is hereby reappropriated for instruments and equipment for radiological services, including installation and maintenance, in augmentation of (c) above.

362.2—For transfer from the General Fund to the Capital Outlay and Savings Fund---------- 28,873,938 Transfers from General Fund

and in addition thereto, the amount by which the total amount of revenues received by the General Fund during the 1950-51 Fiscal Year, as determined by the State Controller exceeds $637,000,000 but does not exceed $656,000,000.

Transfer of the amount of revenues received by the General Fund during the 1950-51 Fiscal Year, in excess of $637,000,000 but not in excess of $656,000,000 shall be made as soon as said amount is determined by the State Controller, who shall report thereon to the Legislative Budget Committee.

The amount of $28,959,184, herein transferred to the Capital Outlay and Savings Fund, shall be transferred by the State Controller from the General Fund from time to time during the 1951-52 Fiscal Year as the amount in the General Fund exceeds current needs. The State Controller shall report at the end of each calendar quarter to the Legislative Budget Committee the amount so transferred. It is the intention of the Legislature that said sum of $28,959,184 shall be transferred to the Capital Outlay and Savings Fund as soon as possible without the issuance of registered warrants.

Item		Amount
State public works project	362.3—For construction and equipment of state public works projects in augmentation of current available appropriations for construction, improvement and equipment for state agencies, to be allocated by the Director of Finance upon approval of the State Public Works Board to and for expenditure upon any state public works project for which money is available and payable from the Capital Outlay and Savings Fund, except as provided in Sections 3.3 and 3.4, and which cannot be undertaken because bids received are in excess of the estimate or the amount available for such construction, or for equipment for any such project, payable from the Capital Outlay and Savings Fund	15,000,000
	and in addition any unexpended balance remaining in any appropriation or allotment from the Capital Outlay and Savings Fund for any completed project which the Director of Finance with the approval of the State Public Works Board determines not to be required for expenditure pursuant to the appropriation or allotment and approves for transfer to and augmentation of this item. Whenever it is determined that there will be an unexpended balance upon the completion of any project, the transfer of such balance may be made prior to the actual date of completion of the project.	
Miscellaneous repairs, etc.	362.4—For miscellaneous repairs, improvements, and equipment, to be allocated by the Director of Finance upon the approval of the State Public Works Board for expenditure on any state property, of which not more than $1,000,000 shall be available to the University of California, payable from the Capital Outlay and Savings Fund	4,000,000
	LOCAL ASSISTANCE	
Teachers' retirement fund	364—For transfer by the State Controller to the Teachers' Permanent Fund for operation of the State Teachers' Retirement System	4,952,500
	365—For transfer by the State Controller to the Retirement Annuity Fund for operation of the State Teachers' Retirement System	11,437,060
Free textbooks	366—For publishing, purchasing, and shipping free textbooks, Department of Education, in accordance with the following schedule	3,296,596
	and in addition thereto any amounts collected for sale of textbooks and bulletins, which by	

Item		Amount
	law are available for support of said department.	
	Schedule:	
	(a) Salaries and Wages	39,162
	(b) Operating Expenses	3,263,784
	(c) Equipment	650
	Total of schedule	3,303,596
	Less: Estimated reimbursements:	
	(d) For sale of textbooks and bulletins	7,000
	Net appropriation	3,296,596
367—Child care, etc.	For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, Department of Social Welfare, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code provided, that all or any portion of this appropriation may be transferred to the Social Welfare Fund in augmentation of Item 253 for support of the Department of Social Welfare, upon executive order of the Director of Finance.	604,800
368—Adoption programs	For reimbursement to counties for the cost of administering the adoption program undertaken by a county under license issued pursuant to Section 225m of the Civil Code; and for the portion of the cost of care of children relinquished for adoption under license granted to the county by the State Department of Social Welfare from the time of relinquishment or action in lieu thereof until placement, which is not met from fees collected pursuant to Section 225p of the Civil Code; provided, that the amount payable to any county on any claim for such care shall not exceed two hundred dollars ($200) on the average per child, and that no reimbursement shall be made for the cost of care of any child for whose care the county has previously claimed reimbursement, regardless of the length of time the county has provided care for the child, and that such claims shall be payable from this item regardless of the time at which the expenses upon which the claims	

Item		Amount
	are based are incurred by the county; State Department of Social Welfare	1,199,000
	provided, that all or any portion of this appropriation may be transferred to the Social Welfare Fund in augmentation of Item 253 for support of the Department of Social Welfare, upon executive order of the Director of Finance. Claims for such reimbursements shall be filed quarterly with the State Department of Social Welfare, and shall be subject to audit by the department. The State Department of Social Welfare with the approval of the State Department of Finance shall adopt such rules as may be necessary to determine the costs of administration and of care, and to provide for the presentation, allowance, and payment of such claims.	
Juvenile homes, etc	369—For reimbursements to counties for maintenance of juvenile homes and camps, Youth Authority, to be expended in accordance with the provisions of Article 13, Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code	854,400
Local health agencies, etc.	370—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	2,994,613
Tuberculosis sanitoria	371—For subsidies to counties, and cities and counties, for maintenance of tuberculosis sanitoria, Department of Public Health	4,936,772
	to be expended in accordance with Division 4 of the Health and Safety Code.	
Physically handicapped children	372—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, Department of Public Health	1,350,280
Children suffering from rheumatic fever, etc.	373—For assistance to counties, and cities and counties, to be expended for services to children suffering from rheumatic fever and rheumatic heart disease, in accordance with provisions of Article 2 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, Department of Public Health	479,255

Item		Amount
374—For assistance to local agencies in the treatment of minors with cerebral palsy, Department of Public Health	Minors with cerebral palsy	86,832
provided, that all or any portion of this appropriation may be transferred to the Public Health Fund in augmentation of Item 232 upon executive order of the Director of Finance.		
375—For subsidies to local districts and other public agencies for the control of mosquitoes and gnats, as provided for by Chapter 5.5 of Division 3 of the Health and Safety Code, Department of Public Health	Mosquito etc., control	400,000
376—Any amounts remaining unexpended over and above $1,254,700 on June 30, 1951, in the appropriation made by Item 491 of Section 2, Budget Act of 1950, is hereby reappropriated for assistance to local agencies in the construction of hospital facilities, Department of Public Health.	Hospital construction	
377—For allocation 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 in the construction of the project for control of floods on the Los Angeles and San Gabriel Rivers and Ballona Creek, adopted and authorized by Section 29 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946	State Water Resources Board Los Angeles County Flood Control District	832,500
378—For allocation to the Water Resources Board for reallocation to City of San Diego for expenditure for payment, and for reimbursement for necessary advances made, of the cost of cooperation by the State in the work of improvement on the San Diego River and Mission Bay, San Diego County, adopted and authorized by Section 46.5 of the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946	San Diego River and Mission Bay	964,000
378.1—For allocation to the State Water Resources Board for reallocation to the County of Santa Barbara for expenditure for payment, and for necessary advances made, of the cost of cooperation by the State in the program on the Santa Ynez River Watershed, adopted and authorized by the State Water Resources Act of 1945, payable from the Flood Control Fund of 1946	Santa Ynez River Watershed	106,000

	Item	Amount
Salaries Superior court judges	379—For State's share of salaries of judges of superior courts as provided by Section 736b of the Political Code.	1,167,250
County service officers	380—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs. To be expended in accordance with Section 972 of the Military and Veterans Code	197,177
County agricultural commissioners, etc	381—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture. To be expended in accordance with the provisions of Section 63 5 of the Agricultural Code	101,260
Workmen's compensation: Disaster service workers	382—For furnishing of workmen's compensation to civil defense 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 as adjusting agent, Governor's Office, Office of Civil Defense The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 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.	5,000
	SAN FRANCISCO HARBOR	
Board of State Harbor Commissioners for San Francisco Harbor	383—For support of Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	3,782,739
	384—For maintenance of fire boats, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund	200,000

Item		Amount
385—For services of City and County of San Francisco firemen, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund		16,700
386—For promotion of the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business, payable from the San Francisco Harbor Improvement Fund which amount shall be in addition to the funds made available for this purpose by Section 1915 of the Harbors and Navigation Code, and subject to the provisions of Section 1706 of the Harbors and Navigation Code.		50,000
387—For construction, repairs, and improvements of wharves, piers, sheds, bridges, tracks, and other construction, improvements, repairs, and equipment as needed, Board of State Harbor Commissioners for San Francisco Harbor, payable from San Francisco Harbor Improvement Fund exempt from Section 3 of this act.		93,500
UNEMPLOYMENT ADMINISTRATION		
388—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund in accordance with the following schedule and in addition thereto any amounts collected for services to other activities.	Unemployment *compensation* disability benefits	2,398,945
Schedule:		
(a) Salaries and Wages	1,823,206	
(b) Operating Expenses	545,279	
(c) Equipment	30,460	
Total of schedule	2,398,945	
389—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the Federal Government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Director of Finance	Department of Employment Support	45,177

Item		Amount
Acquisition of real property	390—For acquisition of real property to be expended under the provisions of the Property Acquisition Act, and/or major construction, improvements, and equipment, Department of Employment, payable from the Department of Employment Contingent Fund	944,000

Report of expenditures

SEC. 3. Any construction or improvement project included in any appropriation made herein for major construction, improvements and equipment shall be subject to the provisions of Section 3 of Chapter 145, Statutes of 1946 (First Extraordinary Session), and a report of the expenditures for such projects shall be included in the budget submitted by the Governor, which report shall be in lieu of the report mentioned in Section 12 of said Chapter 145, Statutes of 1946 (First Extraordinary Session).

Capital Outlay and Savings Fund

SEC. 3.1. There is hereby created in the State Treasury a Capital Outlay and Savings Fund. No money may be expended from said fund except as appropriated in this act, or in any subsequent enactment.

The cash balance as of June 30, 1951, according to the records of the State Controller, in the Postwar Employment Reserve is hereby transferred to the Capital Outlay and Savings Fund. Except as provided in Sections 3.3 and 3.4 of this act, appropriations heretofore payable from the Postwar Employment Reserve are hereby reappropriated and shall be payable from the Capital Outlay and Savings Fund. The Postwar Employment Reserve is hereby abolished.

Whenever provision is made for the transfer of money to the Capital Outlay and Savings Fund, all or part of such transfer may be made by the transfer of bonds or other securities held by the State Treasurer at their market price, plus accrued interest, computed at the date of the transfer.

Except as provided in Sections 3.3 and 3.4 of this act, any appropriation payable from the Postwar Employment Reserve and any appropriation which is subject to Section 3 of Chapter 145, Statutes of 1946, First Extraordinary Session, shall continue to be available for expenditure for the purpose for which appropriated until June 30, 1954 for determination by the State Public Works Board as to projects to be undertaken, and any amount heretofore or hereafter allotted for any project so determined to be undertaken shall remain available for expenditure without regard to fiscal years; provided, that the unencumbered balance in any such appropriation or allotment shall revert to the unappropriated balance of the Capital Outlay and Savings Fund either three years after the date on which the determination by the State Public Works Board was made, or June 30, 1954, whichever is the later.

All expenditures from the Capital Outlay and Savings Fund shall be subject to determination by the State Public

Works Board as provided in Section 3, Chapter 145, Statutes of 1946, First Extraordinary Session.

The money in the Capital Outlay and Savings Fund shall be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if in his opinion such sale or exchange is in the best interests of the State in effectuating the purposes of this section. The increment by way of interest or otherwise from such investments shall accrue to the Capital Outlay and Savings Fund in augmentation thereof.

University of California. Reappropriation

SEC. 3.2. Notwithstanding any other provision of law, all sums of money which were heretofore appropriated to the Regents of the University of California and are subject to the provisions of Section 3 of Chapter 145, Statutes of 1946, First Extraordinary Session, and which have been heretofore withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code are hereby reappropriated for the purposes for which originally appropriated or allocated; provided, that any portion of each such sum which remains after the purpose for which such sum was appropriated or allocated has been accomplished shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated to projects not previously authorized by legislative appropriation or allocation by the State Public Works Board The sums of money hereby appropriated shall be available for expenditure in payment of any encumbrances incurred heretofore or hereafter without regard to fiscal years; provided, however, that any unencumbered balances existing as of June 30, 1954, shall revert to the Capital Outlay and Savings Fund

Increments by way of interest or otherwise to funds which have been appropriated or allocated for construction, improvements, repairs or equipment for the University of California, and which have been withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code, may from time to time be used and expended by the Regents of the University of California in executing or furthering the building and improvement program of the University of California.

A report shall be submitted to the State Public Works Board of any allocations made pursuant to the provisions of this section.

Deferred projects

SEC. 3.3. The following projects authorized under the following appropriations and allotments shall be deferred and no further expenditures shall be made thereon until or unless authorized by subsequent enactment:

Appropriation or Allotment	Amount Deferred
AGRICULTURE	
Agriculture — Chapter 2, Statutes of 1950, Item 283, major construction, improvements and equipment, quarantine stations at Yermo, Department of Agriculture ——Unexpended balance	
CORRECTIONS	
Corrections — Chapter 2, Statutes of 1950, Item 298, major construction, improvements, and equipment, chapel and religious education building, California State Prison, at San Quentin, Department of Corrections ——Unexpended balance	
Chapter 2, Statutes of 1950, Item 289, major construction, improvements, and equipment, auditorium, gymnasium, and assembly, California Institution for Men, Department of Corrections ——Unexpended balance	
Chapter 700, Statutes of 1949, Item 292, minor construction, improvements, repairs, and equipment (prefabricated buildings), California Institution for Women, Department of Corrections—Unexpended balance	
YOUTH AUTHORITY	
Youth Authority — Chapter 2, Statutes of 1950, Item 317, major construction, improvements, and equipment, group housing and car ports, Paso Robles School for Boys, Youth Authority——Unexpended balance	
EDUCATION	
Education — Chapter 155, Statutes of 1946 (First Extraordinary Session), as amended, acquisition of sites for, and the construction, furnishing, and equipment of, student housing on the campus of the state colleges (except for acquisition of sites which are under active negotiation)	2,428,918
Allocations from Chapter 145, Statutes of 1946 (First Extraordinary Session) as amended:	
Executive Order No. E51-281 for construction, improvements, and equipment (student housing), San Diego State College, Department of Education	978,563
Executive Order No. E51-282 for construction, improvements, and equipment (student housing), San Francisco State College, Department of Education	792,917

Appropriation or Allotment	Amount Deferred	
Executive Order No. E51-99 for construction, improvements, and equipment, School for Cerebral Palsied Children, Northern California, Department of Education	75,000	
Executive Order No. E51-283 for construction, improvements, and equipment, School for Cerebral Palsied Children, Southern California, Department of Education	368,920	
The maximum amounts available for allocation for the several state agencies as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in the following amount:		
Department of Education 2,215,400		
Chapter 486, Statutes of 1947, Item 111, as amended, for acquisition of real property, construction of buildings, improvements of grounds, and purchase equipment, School for Cerebral Palsied Children, Southern California, Department of Education	144,640	
Chapter 23, Statutes of 1948, Item 109 5, for acquisition of and improvement of sites and construction and equipment of buildings, Los Angeles State College, Department of Education	1,500,000	
UNIVERSITY OF CALIFORNIA		
Chapter 145, Statutes of 1946, as amended	3,990,221	University of California
The maximum amounts available for allocation for the several state agencies as set forth in the schedule in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session), as amended shall be reduced in the following amount:		
University of California 3,990,221		
FINANCE		
Chapter 1318, Statutes of 1947, for the acquisition of a site in the County of Sacramento and the improvement thereof, including preparation of plans and specifications for use of the State Agricultural Society for an annual fair or exposition (except expenditures for relocation of transmission lines, utilities, and levees)	Unexpended balance	Finance
Chapter 2, Statutes of 1950, Item 367, major construction, improvements, and equipment at new State Fair site, State Agricultural Society, Department of Finance	Unexpended balance	

Appropriation or Allotment	Amount Deferred
Chapter 145, Statutes of 1946 (First Extraordinary Session) as amended	2,967,788
The maximum amounts available for allocation for the several state agencies as set forth in the schedule in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session), as amended, shall be reduced in the following amount:	
State Agricultural Society and Exposition Park—Sixth District Agricultural Association	2,967,788

MENTAL HYGIENE

Mental Hygiene

Allocations from Chapter 145, Statutes of 1946 (First Extraordinary Session) as amended:

Executive Order No. E49-521, construction, improvements, and equipment (firehouse and employees' quarters), Agnews State Hospital, Department of Mental Hygiene—Unexpended balance

Executive Order No. E49-460, construction, improvements, and equipment (six physicians' apartments), Stockton State Hospital, Department of Mental Hygiene—Unexpended balance

Chapter 2, Statutes of 1950, Item 379, major construction, improvements, and equipment, shoe shop, mattress and maintenance shop, Agnews State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 381, major construction, improvements, and equipment, ward building, Camarillo State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 383, major construction, improvements, and equipment, laundry addition, Camarillo State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 384, major construction, improvements, and equipment, cold storage addition, Camarillo State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 387, major construction, improvements, and equipment, physicians' apartments, Camarillo State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 389, major construction, improvements, and equipment, auditorium, Camarillo State Hospital—Unexpended balance

Chapter 2, Statutes of 1950, Item 402, major construction, improvements, and equipment, industrial and maintenance shop buildings, Napa State Hospital—Unexpended balance

Appropriation or Allotment	Amount Deferred
Chapter 2, Statutes of 1950, Item 408, major construction, improvements, and equipment, administration building, Norwalk State Hospital	Unexpended balance
Chapter 2, Statutes of 1950, Item 409, major construction, improvements and equipment, ward building, Norwalk State Hospital	Unexpended balance
Chapter 2, Statutes of 1950, Item 414, major construction, improvements, and equipment, firehouse, Patton State Hospital	Unexpended balance
Chapter 2, Statutes of 1950, Item 416, major construction, improvements, and equipment, mattress shop, Patton State Hospital	Unexpended balance
Chapter 2, Statutes of 1950, Item 428, major construction, improvements, and equipment, addition to administration building, Pacific Colony	Unexpended balance
Chapter 2, Statutes of 1950, Item 431, major construction, improvements, and equipment, maintenance and shop building, Pacific Colony	Unexpended balance

MILITARY AFFAIRS

Military affairs		
Chapter 2, Statutes of 1950, Item 439, major construction, improvements, and equipment of armories, Adjutant General and California National Guard		758,500
and Schedule A shall be reduced in the following amounts:		
Alhambra	297,500	
Bakersfield	9,000	
Glendale	14,500	
Los Angeles	325,000	
Vallejo	112,500	
Chapter 700, Statutes of 1949, Item 372.9n, for construction and equipment of armory at Fresno, Adjutant General and California National Guard		Unexpended balance

VETERANS' HOME

Veterans' Home	
Chapter 2, Statutes of 1950, Item 469, major construction, improvements, and equipment, installation of ground lighting, Veterans' Home of California	Unexpended balance
Chapter 2, Statutes of 1950, Item 475, major construction, improvements, and equipment of road at the Mall, Veterans' Home of California	Unexpended balance

Appropriation or Allotment	Amount Deferred
Chapter 2, Statutes of 1950, Item 479, major construction, improvements, and equipment, commandant's residence, Veterans' Home of California	Unexpended balance
Allocations from Chapter 145, Statutes of 1946 (First Extraordinary Session) as amended:	
Executive Order No. E51-275 for construction, improvements, and equipment (west wing of hospital), Veterans' Home of California	413,133
The maximum amounts available for allocations for the several state agencies as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in the following amount:	
Veterans' Home 413,133	
Chapter 127, Statutes of 1946, construction, improvements, and equipment (west wing of hospital) Veterans' Home of California	218,276

Deferred appropriations

The following items of appropriations under Section 2 of this act are deferred and no expenditure shall be made therefrom until or unless authorized by subsequent enactment:

Item No.	Appropriation
273	For major construction, improvements, and equipment, Medical Facility, Department of Corrections.
278	For major construction, improvements, and equipment, California State Prison at San Quentin, Department of Corrections.
282	For major construction, improvements, and equipment, New Medium Security Prison.
283.1	For major construction, improvements, and equipment, additional cost, Vocational and Agricultural Institution, Department of Corrections.
284.1	For acquisition of real property, California Youth Training School, Youth Authority, to be expended under provisions of the Property Acquisition Act.
285	For major construction, improvements, and equipment, California Youth Authority Training School, Youth Authority.
287	For major construction, improvements, and equipment, Youth Authority Camps, Youth Authority.
298	For major construction, improvements, and equipment, Ventura School for Girls, Youth Authority.
305.1	For major construction, improvements, and equipment, San Diego State College, Department of Education.
318.1	For major construction, improvements, and equipment, University of California.

Item No.	Appropriation
322	For major construction, improvements, and equipment of Governor's residence, Buildings and Grounds Division, Department of Finance.
327	For major construction, improvements, and equipment, Psychiatric Hospital Clinic, Los Angeles, Department of Mental Hygiene.
340	For major construction, improvements, and equipment, design, preliminary plans and specifications necessary for the establishment of a new mental hospital in Southern California, Department of Mental Hygiene.
345.2	For major construction, improvements, and equipment, Adjutant General, California National Guard, and California Defense and Security Corps.
352	For establishment and development of riding and hiking trails, Division of Beaches and Parks, Department of Natural Resources.
361.1	For major construction, improvements, and equipment, Veterans' Home of California.

Transfer from Division of Architecture Revolving Fund

SEC. 3.4. The State Controller shall, as of June 30, 1951, transfer from the Division of Architecture Revolving Fund to the Capital Outlay and Savings Fund the unexpended balances, as certified by the Director of Public Works and approved by the Director of Finance, of the amounts previously transferred to the Division of Architecture Revolving Fund for the following projects as identified by the Division of Architecture Work Orders, as shown below. The amounts so transferred shall be credited to the appropriations from which previously authorized and such appropriations shall be transferred to the Capital Outlay and Savings Fund and shall be subject to Section 3.1 of this act, and no further expenditure shall be made of the money so transferred until or unless authorized by subsequent enactment:

Work Order No.	Project Description and Previous Appropriation	
	AGRICULTURE	
No. 2510GC	For major construction, improvements, and equipment, quarantine station at Yermo, Department of Agriculture (Chapter 2, Statutes of 1950, Item 283).	Agriculture
No. 1543	Construction, improvements, and equipment for Tule Lake and Peavine Quarantine Station (Chapter 644, Statutes of 1945).	
	CORRECTIONS	
No. 935	For major construction, improvements, and equipment, chapel and religious education, California State Prison at San Quentin, Department	Corrections

	Work Order No.	Project Description and Previous Appropriation
		of Corrections (Chapter 2, Statutes of 1950, Item 298).
	No. 935	For major construction, improvements, and equipment, chapel and religious education, California State Prison at San Quentin, Department of Corrections (Chapter 827, Statutes of 1941).
	No. 2508GC	For major construction, improvements, and equipment, auditorium, gymnasium, and assembly, California Institution for Men, Department of Corrections (Chapter 2, Statutes of 1950, Item 289).
		YOUTH AUTHORITY
Youth Authority	No. 2505	Major construction, improvements, and equipment, landscaping development, Paso Robles School for Boys, Youth Authority (Chapter 2, Statutes of 1950, Item 318).
		EDUCATION
Education	No. 2456GC	For construction, improvements, and equipment of student housing at Fresno State College, Department of Education (Chapter 155, Statutes of 1946) (First Extraordinary Session), as amended.
	No. 2458GC	For construction, improvements, and equipment for student housing at San Diego State College, Department of Education (Chapter 155, Statutes of 1946) (First Extraordinary Session), as amended.
	No. 2530GC	For construction, improvements, and equipment for student housing at San Francisco State College (Chapter 155, Statutes of 1946) (First Extraordinary Session), as amended.
	No. 2457GC	For construction, improvements, and equipment of student housing at San Jose State College (Chapter 155, Statutes of 1946) (First Extraordinary Session), as amended.
	No 2524GC	For construction, improvements, and equipment, School for Cerebral Palsied Children, Northern California, Department of Education, Executive Order No. E51-99, and Chapter 486, Statutes of 1947, Item 109.
	No. 2524GC	For construction, improvements, and equipment, School for Cerebral Palsied Children, Northern California (Chapter 145, Statutes of

Work Order No.	Project Description and Previous Appropriation	
	1946) (First Extraordinary Session), as amended. and the schedule of maximum amounts available for the Department of Education, as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in a like amount.	
	FINANCE	
No. 2331GC	For the acquisition of a site in the County of Sacramento and the improvements thereof, including preparation of plans and specifications, for the use of the State Agricultural Society for an annual fair or exposition (Chapter 1318, Statutes of 1947).	Finance
No. 2197	Construction, improvements, and equipment (plans and specifications for addition to building, Sixth District Agricultural Association) (Chapter 145, Statutes of 1946, First Extraordinary Session) (Executive Order E49-552) and the schedule of maximum amounts available for the State Agricultural Society and Exposition Park, Sixth District Agricultural Association, as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in a like amount.	
	MENTAL HYGIENE	
No. 2266	For construction, improvements, and equipment, firehouse and employees' quarters, Agnews State Hospital, Department of Mental Hygiene (E49-521, Chapter 145, Statutes of 1946) and the schedule of maximum amounts available for the Department of Mental Hygiene as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in a like amount.	Mental Hygiene
No. 2305	For minor construction, improvements, repairs and equipment (auto, repair shop and shelters for cars and trucks), Agnews State Hospital, Department of Mental Hygiene (Chapter 700, Statutes of 1949, Item 334).	
No. 2570	For minor construction, improvements, repairs, and equipment (alterations to dishwashing room at Annex), Agnews State Hospital (Chapter 2, Statutes of 1950, Item 380.1).	

Work Order No.	Project Description and Previous Appropriation
No. 1769	Miscellaneous repairs and improvements (incinerator). Napa State Hospital (Chapter 145, Statutes of 1946, Executive Order E2871).
No. 1769	Major construction, improvements and equipment (incinerator) Napa State Hospital (Chapter 486, Statutes of 1947, Item 199).
No. 2179	Minor construction, improvements, repairs, and equipment (auto repair shop) Mendocino State Hospital (Chapter 700, Statutes of 1949, Item 337).
No. 2506	Major construction, improvements, and equipment, maintenance and shop building, Pacific Colony (Chapter 2, Statutes of 1950, Item 431).
No. 2242	Construction, improvements, and equipment (six physicians' apartments), Stockton State Hospital, Department of Mental Hygiene (Chapter 145, Statutes of 1946, First Extraordinary Session, Executive Order E50-14) and the schedule of maximum amounts available for the Department of Mental Hygiene as set forth in Section 6, of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in a like amount.
No. 2218	Construction, improvements, and equipment, hog ranch and slaughterhouse, Camarillo State Hospital (Chapter 145, Statutes of 1946, Executive Order No. E49-460) and the schedule of maximum amounts available for the Department of Mental Hygiene as set forth in Section 6 of Chapter 145, Statutes of 1946 (First Extraordinary Session) shall be reduced in a like amount.

ADJUTANT GENERAL

Adjutant General	No. 2535GC	Major construction, improvements, and equipment of armories, Adjutant General and California National Guard (Chapter 2, Statutes of 1950, Item 439)—Bakersfield Armory.
	No. 2403GC	Major construction and equipment of armories at San Francisco Armory, Adjutant General and California National Guard (Chapter 700, Statutes of 1949, Item 372.9cc).
	No. 2461GC	Major construction, improvements, and equipment of armories, Adjutant General and California National Guard (Chapter 2, Statutes of 1950, Item 439)—Glendale Armory.

Work Order No.	Project Description and Previous Appropriation
No. 2237	Construction and equipment of armory at Fresno, Adjutant General and California National Guard (Chapter 700, Statutes of 1949, Item 372.9n).

BEACHES AND PARKS

No. 2009	For construction, improvements, and equipment, Calaveras Big Trees—lodges and cabins (Chapter 23, Statutes of 1948, Item 259).	Beaches and parks
No. 1780	For construction, improvements, and equipment, Donner Monument Museum (Chapter 23, Statutes of 1948, Item 259).	

FORESTRY

Nos. 1876.17, 1876.18, and 2274	For construction, improvements, and equipment, Riverside office building, warehouse, gas and oil house, and equipment shop and equipment storage: Chapter 145, Statutes of 1946: Executive Order No. E51-202. Chapter 700, Statutes of 1949, Item No. 372.10.	Forestry

VETERANS' HOME

No. 2252	For construction and equipment of ground lighting system, Veterans' Home of California (Chapter 700, Statutes of 1949, Item 372.7c).	Veterans' Home
No. 2560	Major construction, improvements, and equipment of central warehouse (partial cost), Veterans' Home of California (Chapter 2, Statutes of 1950, Item 476).	
No. 2560	For construction, improvements, and equipment (central warehouse) Veterans' Home of California, Chapter 127, Statutes of 1946.	
No. 2499	Major construction, improvements, and equipment, commandant's residence, Veterans' Home of California (Chapter 2, Statutes of 1950, Item 479).	

SEC. 3.5. The following projects as identified by the Division of Architecture Revolving Fund work orders, as shown below, shall be deferred and no further expenditure shall be made on the specified projects until or unless authorized by subsequent enactment: Deferred projects

Work Order No.	Project Description and Previous Appropriation
No. 1780	For construction, improvements, and equipment, Donner Monument Museum, Chapter 486, Statutes of 1947, Item 238, payable from State Park Fund.
No. 1745	For construction, improvements, and equipment, Doheny Beach—concession building: Chapter 486, Statutes of 1947, Item 240, payable from State Beach Fund. Chapter 23, Statutes of 1948, Item 261, payable from State Beach Fund. Chapter 700, Statutes of 1949, Item 355, payable from State Beach Fund.
No. 1748	For construction, improvements, and equipment, Castle Crags—concession building (except water supply system): Chapter 486, Statutes of 1947, Item 238, payable from State Park Fund.
No. 2320GC	For construction, improvements, and equipment, Columbia Historic State Park: Chapter 700, Statutes of 1949, Item 354, payable from State Park Fund.

Limitation of expenditures

SEC. 4. Whenever any appropriation item in Section 2 of this act is made in accordance with a schedule set forth after such appropriation item, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

Definitions

As used in this act in reference to such schedules "category" means a class of expenditures such as, but not limited to:

(a) "Salaries and wages" which shall include all expenditures for payment of officers and employees of the State but does not include compensation of independent contractors rendering personal services to the State under contract;

(b) "Operating expenses" which shall include all expenditures for purchase of materials, supplies (including expendable equipment), services (other than services of state officers and employees), and all other proper expenses (other than the acquisition of unexpendable tangible property);

(c) "Equipment" which shall include all expenditures for the acquisition or replacement of nonexpendable tangible property.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled "State of California Budget for the Fiscal Year July 1, 1951, to June 30, 1952,"

submitted by the Governor to the Legislature at the 1951 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

Transfers from categories

SEC. 5. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category designated in any schedule set forth for such appropriation in Section 2 by transfer from any of the other designated categories within the same schedule. The Director of Finance shall present to the Joint Legislative Budget Committee assembled in meeting a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations

SEC. 6. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedules set forth for any appropriation in Section 2 hereof or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau or other agency during the 1951-52 Fiscal Year from any other state agency, from any agency of local government or the Federal Government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

Reductions

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

Premiums for official bonds

SEC. 7. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

Senate and Assembly disbursements

SEC. 8. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of Sections 16003 and 13320 of the Government Code; provided, that the State Controller shall not be required to draw such warrants until the original claims and vouchers, itemized and properly sworn to, are filed with him.

Limitations

SEC. 9. The allocations made by Items 377, 378, and 378.1 of Section 2 of this act are subject to Section 11 of the Flood Control Fund Act of 1946 in the same manner as the allocations made by Sections 13 and 14 of that act are subject to Section 11. 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 participate in the prosecution of the projects approved and authorized in said act by

Stats 1947, p 180

Stats 1945, p 2827

paying for the cooperation which is required by the acts of Congress approving and authorizing the projects. The State Water Resources Board shall determine the amounts in which each of such reallocations shall be made. The allocations made by said items shall remain available for reallocation and expenditure until June 30, 1955.

Payments from appropriations

SEC. 10. The State Controller is hereby expressly prohibited from allowing any demands payable out of any appropriation herein contained, unless the same are presented in accordance with the provisions of Section 16003 of the Government Code; provided, that in instances where the duties of any state officers or board make necessary the use of moneys for purposes of a confidential nature, the State Controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the State Controller; provided further, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed the sum of two thousand dollars ($2,000), except in the case of the Attorney General's office, whose expenditures for such confidential purposes shall be governed by Sections 12572 and 12573 of the Government Code. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services. No officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law.

Revolving funds

SEC. 11. Any officer, board, commission, or department for whom any appropriation is made herein, may, without at the time furnishing vouchers and itemized statements, draw from such appropriations a sum not to exceed 3 percent of the total amount appropriated for any such officer, board, commission or department. Any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the Department of Finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 3 percent, but not to exceed 10 percent of the total amount appropriated for any such officer, board, commission or department. Any officer, board, commission or department for whom any appropriation is made herein, may with the permission and approval of the State Board of Control, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of 10 percent of the total appropriated to such officer, board, commission or department.

In lieu of withdrawing from the State Treasury a revolving fund authorized under this section an officer, board, commission or department may request the State Controller to apply such amount, or any portion thereof, as repayment and return of any existing revolving fund to the appropriation from which

it was withdrawn. Upon receipt of such request the State Controller shall credit the amount designated to the appropriation from which such revolving fund previously was withdrawn.

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be used as a revolving fund where payment of compensation earned, traveling expense advances, traveling expense incurred or other cash payments are necessary. Any state agency that withdraws a revolving fund shall remain fully accountable therefor. All disbursements must be substantiated by vouchers filed with and audited by the Controller. Disbursements may be reported, substantiated by vouchers, from time to time to the Controller in connection with claims for reimbursement of the revolving fund. At the close of each fiscal year, and at any time upon the demand of the Department of Finance every revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

Expenditures from Emergency Fund, etc

SEC. 12. Whenever an expenditure is authorized from the Emergency Fund, from Price Increase Funds, from the Salary Increase Funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures shall, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

Application of Gov C., §13320

SEC. 13. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

Positions established

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work load and organization.

Salary Savings Reserve

Each fiscal year budget shall provide for a Salary Savings Reserve to which shall be transferred on a document initiated by the agency and approved by the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the Salary Savings Reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfers shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that

the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any Salary Savings Reserve may be expended to pay increases in salary ranges established after July 1, 1951, unless the Department of Finance certifies to the State Personnel Board prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

A certification on a pay roll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the Controller that such expenditures comply with the provisions of this section.

Salary of vacant positions

SEC. 13.5. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 15, 1950, and July 1, 1951, except with the specific approval of the Director of Finance subsequent to July 1, 1951.

The Director of Finance, not later than 30 days prior to the convening of the 1952 Regular Session of the Legislature, shall present to the Joint Legislative Budget Committee, assembled in meeting, a report of all positions as of July 1, 1951, which were vacant or continuously unfilled during the period between October 15, 1950, and July 1, 1951, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

Acquisition of motor vehicles

SEC. 14. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Use of state-owned motor vehicles

SEC. 14.5. The appropriations made by this act are subject to the following provisions: State-owned motor vehicles shall be used only in the conduct of state business. No state officer or employee shall use, or permit the use of, any state-owned motor vehicle other than in the conduct of state business.

Rules and regulations

The State Board of Control shall prescribe rules and regulations which:

(a) Define the use of state-owned motor vehicles which constitutes use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Prescribe the procedure for determining and collecting from the employee responsible for the misuse the actual costs to the State attributable to misuse of state-owned motor vehicles and the disposition of such collections;

(c) Prescribe the records and reports to be kept and made by state agencies relating to the use of state-owned motor vehicles to the end that misuse may be discovered with a minimum of record keeping; provided, that every state officer or employee who has operated a state-owned motor vehicle during the preceding month shall file a statement certifying under penalty of perjury that each such motor vehicle operated during the preceding month has not been used by him, or been permitted to be used by him, other than in the conduct of state business; provided, however, that with the approval of the Director of Finance such reports and certification may be filed on behalf of any state employee by the employee's supervising officer in those cases where it is determined that there are valid reasons which would prevent the employee from complying with the certification and filing requirements of the act;

(d) Establish methods of vehicle control and accounting which will facilitate and encourage the pooling of vehicles for their most effective utilization;

(e) Govern the storage of state-owned motor vehicles.

The provisions of this section shall not apply to the incumbents of elective state offices.

The Department of Finance shall administer the provisions of this section and the rules and regulations adopted pursuant thereto; provided, however, that it shall be the duty of the head or governing body of each state agency to carry out and enforce this section and said rules and regulations within such state agency. Any state officer or employee who interferes or obstructs the enforcement of this section shall be subject to punitive action prescribed in the State Civil Service Act.

Any violation by a state officer or employee of this section or the rules and regulations adopted pursuant thereto shall constitute misuse of state property under Section 19572 of the Government Code.

The State Board of Control, upon its own initiative or upon request of any person, may suspend from state service without pay for a period not exceeding 30 days, any officer or employee of this State exempt from civil service for violating this chapter or the rules and regulations adopted pursuant thereto.

Such suspension is valid only if a written notice is served on the officer or employee prior to the effective date of the suspension and a copy of such notice filed with the State Personnel Board not later than 15 days after the effective date of such suspension. The notice shall be served upon the employee either personally or by mail and shall include: (a) a statement of the nature of the punitive action; (b) the effective date of the action; (c) a statement of the causes therefor; and (d) a statement advising the employee of his right to answer the notice and the time within which that must be done if the answer is to constitute an appeal.

The officer or employee against whom such punitive action is taken shall have the right to file an answer with the State

Personnel Board as provided in Section 19575, Government Code, and request a hearing. If the answer requests a hearing the State Personnel Board shall conduct a hearing. The board shall consider carefully the evidence submitted in the hearing and render a decision sustaining, modifying or revoking such suspension.

Effect Stats 1951, Ch 1260

This section shall be superseded if Assembly Bill 2005 of the 1951 Regular Session of the Legislature becomes enacted into law.

Passenger type motor vehicles

SEC. 15. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, shall be of the light class, as defined by the Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

Expenditures in excess of appropriation

SEC. 16. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the State Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the State Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Limitations on expenditures Fire insurance

SEC. 17. No money appropriated by this act shall be used to renew, or to pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new fire insurance on any public building or property, except the property of San Francisco Harbor, the University of California, and the property referred to in Section 6 of Chapter 264, Statutes of 1933.

House or apartment furnishings

SEC. 18. None of the money appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be

determined by the Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

Office furnishings Rugs or carpets

SEC. 19. No money appropriated by this act shall be used, either directly or by supplementing any other appropriation, to furnish rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

Transfer of unneeded funds

SEC. 20. The State Board of Control upon the recommendation of the Director of Finance, may authorize the transfer of unneeded funds from an appropriation for support for an institution, school or college within any of the following agencies to a similar appropriation for another institution, school or college within the same agency:

(a) Department of Corrections, exclusive of the Youth Authority, upon request of the Director of Corrections;

(b) California Youth Authority, upon request of the Director of the Youth Authority;

(c) Department of Education, upon request of the Director of Education;

(d) Department of Mental Hygiene, upon request of the Director of Mental Hygiene.

Payment to United States

SEC. 21. Upon submission of claims by a state agency, with the approval of the Department of Finance, the Controller may pay, from appropriations herein made available therefor, money to the United States for costs of a project undertaken by the United States for and in behalf of, or in cooperation with, the State of California, prior to the commencement or completion of the project.

Reversion of unexpended balances

SEC. 22. The unexpended balances as of June 30, 1951, of the appropriations made by the acts from the General Fund shall revert to the General Fund in the State Treasury:

(a) Chapter 57 of the 1946 First Extraordinary Session for the construction of a dam and works to impound the waters of Rector Creek.

(b) Chapter 478 of the Statutes of 1947 for public celebrations and exhibits throughout the State during 1948, 1949, and 1950.

(c) Chapter 631 of the 1947 Regular Session for state participation in centennial celebrations at the City of Benicia.

(d) Chapter 2 of the 1946 First Extraordinary Session for Senate contingent expenses.

(e) Chapter 5 of the 1947 First Extraordinary Session for mileage of members and officers of the Assembly.

(f) Sacramento and San Joaquin Drainage District Funds numbers 1, 3 and 6, which funds were created pursuant to Section 8950 of the Water Code.

(g) Chapter 1091, Statutes of 1949, for operation of necessary facilities to care for persons suffering from tuberculosis.

(h) Chapter 127, Statutes of 1946, First Extraordinary Session, for construction, improvements and equipment at the Veterans Home.

Stats 1947, p 1390

SEC. 23. The unexpended balance in Item 42.5 of the Budget Act of 1947 shall revert to the Fair and Exposition Fund and shall be added to any amount in said fund available for permanent improvements upon the property of state, citrus, county, or district agricultural associations for fair purposes, allocated by Section 19626 of the Business and Professions Code.

Stats 1950, p 255

SEC. 24. The appropriations made by Items 245.1, 328, 333.1, and 338 of Section 2, Budget Act of 1950, shall remain available for expenditure until June 30, 1952.

Acquisition of property for beaches etc

SEC. 24.5. It is not the intent of the Legislature that the acquisition of property for beaches and parks be limited to acquisitions which are accompanied by a long term lease to a political subdivision by which the latter agrees to develop, maintain, and operate the park.

Effect of item veto

SEC. 25. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

Transfer of appropriations

SEC. 26. Whenever any of the duties, powers, purposes, responsibilities, or jurisdiction of any office, officer, board, commission, bureau or other agency of the State are transferred by law to any other office, officer, board, commission, bureau or other agency of the State, that portion of any appropriation herein made for such office, officer, board, commission, bureau or other agency of the State, intended to be used and available for the performance of such duties, powers, purposes, responsibilities or jurisdiction, upon certification by the Department of Finance as to the amount shall, by the State Controller, be transferred to, and the same shall become a part of, the funds available for the office, officer, board, commission, bureau or other agency of the State, to which the duties, powers, purposes, responsibilities, or jurisdiction of such office, officer, board, commission or other state agency have been transferred.

Abolished state agencies

SEC. 27. Whenever the duties, powers, purposes, responsibilities and jurisdiction of any office, board, commission or other state agency are abolished by law the unexpended portion of the appropriation herein made for the support of such office, board, commission, or other state agency shall upon the effective

date of the act abolishing such office, board, commission or other state agency revert to and become a part of the unexpended balance of the fund from which such appropriation was made.

Change in fund

SEC. 28. Whenever by law a change is made in the fund from which the support of any office, board, commission or other state agency is properly payable, any appropriation made herein for the support of such office, commission or other state agency, or the applicable portion thereof, shall become payable from the fund designated in that law. The State Board of Control shall determine the adjustments to be made in the appropriations provided for herein as a result of any such change in law and shall certify the same to the State Controller, who shall thereupon make the necessary entries upon his records.

Constitutionality

SEC. 29. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Current expenses

SEC. 30. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 1021

An act to repeal Section 7658 of the Public Utilities Code, relating to issuance of passenger tickets by railroad corporations, rights thereunder and damages in connection therewith.

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

Repeal

SECTION 1. Section 7658 of the Public Utilities Code is repealed.

CHAPTER 1022

An act to amend Section 7655 of the Public Utilities Code, relating to handling of baggage by railroad corporations and damages in connection therewith.

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

NOTE: The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1023

An act to repeal Section 7652 of the Public Utilities Code, relating to damages for failure of railroads to transport passengers or property.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

Repeal

SECTION 1. Section 7652 of the Public Utilities Code is repealed.

CHAPTER 1024

An act to repeal Section 7651 of the Public Utilities Code, relating to operation of railroads and sufficiency of their accommodations.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

Repeal

SECTION 1. Section 7651 of the Public Utilities Code is repealed.

CHAPTER 1025

An act to repeal Section 7534 of the Public Utilities Code, relating to quality of rail used in construction of railroads.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

Repeal

SECTION 1. Section 7534 of the Public Utilities Code is repealed.

CHAPTER 1026

An act to amend Section 7532 of the Public Utilities Code, relating to the construction of railroads and the discontinuance of operation thereof.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

NOTE: The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1027

An act to amend Section 7528 of the Public Utilities Code, relating to the motive power of railroads.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

NOTE: The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1028

An act to amend Section 7527 of the Public Utilities Code, relating to the powers of railroad corporations.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

NOTE: The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1029

An act to repeal Section 7510 of the Public Utilities Code, prescribing penalty for violations of Sections 7508 and 7509 thereof and authorizing prosecution of actions.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

SECTION 1. Section 7510 of the Public Utilities Code is repealed. Repeal

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CHAPTER 1030

An act to repeal Section 7509 of the Public Utilities Code, relating to increase in the rates and fares of railroad corporations.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

SECTION 1. Section 7509 of the Public Utilities Code is repealed. Repeal

CHAPTER 1031

An act to amend Section 7508 of the Public Utilities Code, relating to transfer of property of railroad corporations, consent of stockholders and recording and effect of conveyance.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

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

NOTE The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code

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CHAPTER 1032

An act to repeal Section 7507 of the Public Utilities Code, relating to certificate of payment of fixed capital stock of railroad corporations.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

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

Repeal

SECTION 1. Section 7507 of the Public Utilities Code is repealed.

CHAPTER 1033

An act to repeal Section 7506 of the Public Utilities Code, relating to the fixing of the capital stock of railroad corporations.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

Repeal

SECTION 1. Section 7506 of the Public Utilities Code is repealed.

CHAPTER 1034

An act to repeal Section 7505 of the Public Utilities Code, relating to the conversion of bonds of railroad corporations into stock.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

Repeal

SECTION 1. Section 7505 of the Public Utilities Code is repealed.

CHAPTER 1035

An act to repeal Section 7504 of the Public Utilities Code, defining the crime of assenting to a debt of a railroad company in excess of its available means by an officer, agent or stockholder of such company and prescribing the penalty for such crime.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 7504 of the Public Utilities Code is repealed. Repeal

CHAPTER 1036

An act to amend Section 7503 of the Public Utilities Code, relating to the borrowing of money by railroad corporations.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

NOTE: The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1037

An act to repeal Section 7502 of the Public Utilities Code, relating to the transfer of the capital stock of railroad corporations.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 7502 of the Public Utilities Code is repealed. Repeal

CHAPTER 1038

An act to repeal Section 7501 of the Public Utilities Code, relating to election of directors of railroad corporations.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 7501 of the Public Utilities Code is repealed. Repeal

CHAPTER 1039

An act to add Sections 14152, 14152.1, 14152.2, 14152.3, 14152.4, 14153, 14153.1, 14154, 14154.1, 14155, and 14156 to, and repeal Sections 14152, 14153, 14154, 14155, and 14156 of the Health and Safety Code, relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

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

Repeal

SECTION 1. Sections 14152, 14153, 14154, 14155, and 14156 of the Health and Safety Code are repealed.

SEC. 2. Section 14152 is added to said code, to read:

Preliminary budget

14152. On or before the fifteenth day of June of each year the district board shall estimate and determine the annual amount of money required for the fire department and shall adopt a preliminary budget which shall be divided into the following main classes:

(1) Maintenance and operation;

(2) Capital outlay.

SEC. 3. Section 14152.1 is added to said code, to read:

Notice

14152.1. On or before the fifteenth day of June of each year the district board shall publish a notice at least one time in a newspaper of general circulation throughout the district stating:

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers;

(2) That on a specified date not less than one month after publication of the notice and at a specified time and place the district board will meet for the purpose of fixing the final budget and that any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of additional items.

SEC. 4. Section 14152.2 is added to said code, to read:

Hearing

14152.2. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

SEC. 5. Section 14152.3 is added to said code, to read:

Same Continuation

14152.3. The hearing on the budget may be continued from time to time until concluded.

SEC. 6. Section 14152.4 is added to said code, to read:

Final budget

14152.4. The district board shall report the final budget to the board of supervisors after the budget hearing but not later than the first day of August of each year after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

SEC. 7. Section 14153 is added to said code, to read:

14153. The board of supervisors shall at the time of levying the county taxes levy a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board; provided, however, that if not less than 10 percent of the qualified electors of the district have signed a petition filed with the board of supervisors protesting the levy for any capital outlay included in the final budget submitted by the district board, or if a written protest against the proposed capital outlay signed by a majority in number of the assessees of real property representing one-half or more of the assessed valuation of the taxable real property within the district, as shown by the last preceding equalized assessment roll, is filed with the board of supervisors, the board of supervisors shall delete that amount from the final budget before levying a tax to raise the amount required by the final budget. Such protest petition must be filed with the board of supervisors not later than five days prior to the final day on which the board of supervisors is required by law to make the annual tax levy. Tax levy. Protest.

SEC. 8. Section 14153.1 is added to said code, to read:

14153.1. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for the use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes. Computation, etc., of tax.

SEC. 9. Section 14154 is added to said code, to read:

14154. A special tax may be levied upon the property within the district if authorized by a majority vote of the voters voting on the proposition for a special tax at the annual election or at a special election called by the district board for the purpose. Special tax.

SEC. 10. Section 14154.1 is added to said code, to read:

14154.1. A special tax may be voted for the purpose of acquiring land or erecting buildings or purchasing apparatus and equipment or buildings or for paying indebtedness of the district previously incurred. Same.

SEC. 11. Section 14155 is added to said code, to read:

14155. The provisions of Section 14153 providing for a protest petition shall have no application to special taxes levied in accordance with the provisions of Sections 14154 and 14154.1. Same.

SEC. 12. Section 14156 is added to said code, to read:

14156. Notwithstanding any of the provisions of this chapter, the district board may expend all or any portion of any unencumbered surplus on hand on the effective date of this act, for the purchase of fire engines, fire apparatus, equipment, and appliances, and for necessary building to house and maintain such equipment and apparatus Expenditure for fire apparatus, etc.

SEC. 13. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and Urgency.

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

That boards of fire commissioners of fire protection districts in unincorporated areas are given the responsibility by Chapter 1 of Part 3 of Division 12 of the Health and Safety Code of establishing, equipping, maintaining, and operating fire departments for protection of the lives of persons and property within their districts. Money for use by such districts for any purposes other than maintenance must be obtained by means of a special tax authorized by a majority of voters voting on the proposition at an election. Many such districts are vitally in need of new additional apparatus and equipment because of large increases of population and in the number of homes and other structures within their boundaries, and in order to properly meet their responsibilities for local defense under mutual aid agreements under the California Disaster Act. It is necessary that this act take effect immediately to permit such districts to immediately spend their unencumbered surplus and to provide in this year's budgets amounts for these purposes without the necessity of holding elections.

CHAPTER 1040

Stats 1931, p 2045, amended

An act to amend the Water Conservation Act of 1931 by adding thereto new sections designated 3.1, 30.1, 36 1, 56.1, 61 1, 67.1, and 77.1, relating to the authorization, issuance and payment of bonds of water conservation districts and improvement districts created under said act and the levy of assessments upon real property for the payment thereof, repealing Chapter 63 of the Statutes of the 1950 First Extraordinary Session, and validating districts organized pursuant to said Water Conservation Act of 1931, as amended by said Chapter 63.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

SECTION 1. That a new section to be designated Section 3.1 is hereby added to the Water Conservation Act of 1931, to read as follows:

Organization petition Contents

Sec. 3.1. Any petition proposing the organization of a water conservation district may include a statement that all bonds of the district and all bonds of any improvement district created therein shall be payable from assessments to be levied upon all real property in the proposed district or in the improvement district created therein. If such statement be included in the petition, the notice of hearing mentioned in Section 4 of this act shall so state and the notice of election mentioned in Section 6 of this act shall likewise so state, and, in the event the district is formed, all bonds thereafter issued by said district

and all bonds of any improvement district organized therein shall be payable from assessments levied upon all real property in said water conservation district or improvement district, as the case may be, and such real property shall be liable to be taxed for the payment of principal and interest of said bonded indebtedness until said bonds are fully paid. Any such assessment shall be levied in the manner provided in this act.

SEC. 2. That a new section to be designated Section 30.1 is hereby added to said act, to read as follows:

Rate of assessments

Sec. 30.1. In the event bonds of the district or of any improvement district therein are payable from assessments upon real property, the supervisors shall annually determine the rate of such assessment by deducting fifteen percent (15%) for anticipated delinquencies from the total assessed value of the real property in the district within the county or the real property within the improvement district, as the case may be, as it appears upon the assessment roll of the county, and then dividing the sum reported by the board of directors as required to be raised for the payment of such principal and interest by the remainder of such total assessed value; provided, that if a fraction of a cent occur on a valuation of one hundred dollars ($100) it shall be taken as a full cent.

SEC. 3. That a new section to be designated Section 36.1 is hereby added to said act, to read as follows:

Bond payment

Sec. 36.1. Bonds of said district may be issued in the manner provided in Section 36 hereof payable, both principal and interest, from assessments levied upon all real property in said district in the manner provided in this act for the levy of assessments upon land only. If the board of directors determines that the bonds shall be payable from assessments upon all such real property, or if the proceedings for the formation of the district require that such bonds be so payable, the board shall so state in the resolution calling the bond election, and the notice of the election shall contain a statement to that effect, and, if the bonds receive the necessary two-thirds vote at said election, then the same shall be payable from said assessments upon all real property in the district, and such real property shall be subject to taxation for the payment of principal and interest of such bonds.

SEC. 4. That a new section to be designated Section 56.1 is hereby added to said act, to read:

Release from bond lien

Sec. 56.1. If the holders of outstanding bonds of the district which are payable from assessments upon real property give their assent, as provided in Section 56 hereof, to the exclusion of lands from the district, the assent shall release all real property which is excluded from the district by virtue of the exclusion of said lands from the lien of such outstanding bonds.

SEC. 5. That a new section to be designated Section 61.1 is hereby added to said act, to read as follows:

Liability of excluded property on bonds

Sec. 61.1. If any of the outstanding bonds are payable from assessments upon all real property in the district, then any

real property excluded from said district by virtue of the exclusion of lands from said district shall, notwithstanding such exclusion, be considered a part of such district for the purpose of discharging such outstanding bonded indebtedness and shall be and remain liable to be taxed to pay the principal of and interest on said outstanding bonded indebtedness until such outstanding bonded indebtedness and the interest thereon is fully paid; except that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district.

SEC. 6. That a new section to be designated Section 67.1 is hereby added to said act, to read as follows:

Payment of bonds

Sec. 67.1. The bonded indebtedness of any improvement district may be made payable from assessments to be levied upon all real property in such improvement district by proceedings taken in the manner provided in this section and shall be so payable if the proceedings for the formation of the water conservation district so require. In either case the petition for the creation of the improvement district shall contain a statement that any bonds authorized to be issued by such improvement district shall be payable, both principal and interest, from assessments to be levied upon all real property in the improvement district as finally created. The board of directors of the district in the notice of hearing shall state that any bonds to be issued for said improvement district shall be payable from assessments upon all real property in the improvement district as finally created, and the resolution calling the election on the issuance of such bonds and the notice of such election shall each contain a similar statement. In the event such bonds receive the vote required under Section 66 of this act, then all such bonds shall be payable solely from assessments levied upon all real property in the improvement district, and all such real property therein shall be liable to be taxed for the purpose of paying principal and interest of such bonds.

SEC. 7. That a new section to be designated Section 77.1 is hereby added to said act, to read as follows:

Same

Sec. 77.1. Bonds issued under this act by a water conservation district and bonds issued for any improvement district therein shall be payable, both principal and interest, from assessments upon the lands in the water conservation district or improvement district, as the case may be, unless proceedings have been taken substantially as provided in this act for such bonds to be payable from assessments levied upon all real property in the water conservation district or in the improvement district, as the case may be.

Repeal

SEC. 8. Chapter 63 of the Statutes of the 1950 First Extraordinary Session is hereby repealed, and this act shall be deemed to be a continuation and re-enactment of said Chapter 63, and all rights and liabilities that have accrued thereunder are preserved.

Legality of formed districts

SEC. 9. All water conservation districts that have been organized under or under color of the Water Conservation Act

of 1931, as amended by said Chapter 63 of the Statutes of the 1950 First Extraordinary Session are hereby declared to have been legally organized and to be legally functioning as such districts. Such districts shall have all the rights, powers and privileges and be subject to all the duties and obligations of such a district regularly formed pursuant to the Water Conservation Act of 1931, as amended by said Chapter 63.

CHAPTER 1041

An act to amend the Water Conservation Act of 1931 by adding thereto new sections designated 30.2 and 35.1, relating to the authorization and levy of annual assessments and special assessments upon real property within water conservation districts and improvement districts created therein.

Stats 1931, p 2045, amended

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

In effect September 22, 1951

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

SECTION 1. That a new section to be designated as Section 30.2 is hereby added to the Water Conservation Act of 1931, to read as follows:

Annual assessments

Sec. 30.2. Whenever a district has been or is organized pursuant to the provisions of Section 3.1 of this act so that all bonds of the district and all bonds of any improvement district created therein are payable from assessments levied upon all real property within the district, or improvement district, as the case may be, annual assessments for the purposes provided in Section 28 shall be upon all real property within the district and shall be levied in the manner generally provided in Sections 28, 29, and 30 for the levy of assessments upon land only; provided, that the assessment levied during any year for the raising of said funds (exclusive of any amounts required for the payment of principal and interest of bonds or for an installment of any special assessment authorized by the voters under this act) as provided in Section 28 of this act shall not exceed two and one-half ($2\frac{1}{2}$) mills on each one hundred (100) cents of the assessed value of the real property within the district, and such additional rate of assessment shall be levied as may be required to provide for the payment of principal and interest of bonds and for an installment of any special assessment authorized by the voters under this act.

SEC. 2. That a new section to be designated Section 35.1 is hereby added to said act, to read as follows:

Special assessments

Sec. 35.1. Wherever a district has been or is organized pursuant to the provisions of Section 3.1 of this act so that all bonds of the district and all bonds of any improvement district created therein are payable from assessments levied upon all real property within the district or improvement district, as the case may be, special assessments may be levied upon all

real property within the district in the manner provided in Section 35 of this act for the levy of special assessments upon land only; provided, that in such case the resolution of the board of directors and the notice of election mentioned in said Section 35 shall each contain a statement that the special assessment shall be levied upon all real property within the district.

CHAPTER 1042

An act to add Section 951.1 to the Fish and Game Code, relating to trawl nets.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 951.1 is added to the Fish and Game Code, to read:

Trawl nets

951.1. Trawl nets of such design as prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the commission and under such rules and regulations as the commission shall prescribe. Sections 951.5, 955.5, 956, and 957 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section. It shall be unlawful to possess any fish other than shrimp or prawns on any boat operating under a permit as provided in this section.

Duration

SEC. 2. The provisions of Section 951.1 shall be effective until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1043

Stats 1927, p 160, amended

An act to amend Section 2 of the Water Conservation Act of 1927, relating to the powers of districts formed under said act.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 2 of the Water Conservation Act of 1927 is amended to read:

District powers

Sec. 2. Powers of District. Any water conservation district organized and established as herein provided shall have power:

1. To have perpetual succession.

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

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

5. To make and perform any agreement with the United States, any state, county, district of any kind or zone or subdivision of such district, public corporation, any person or any number of them, as follows:

(1) For the joint acquisition, disposition, or operation of any property of a kind which might be acquired by the district;

(2) To cooperate to obtain rights, permits or licenses to appropriate water, and to purchase, acquire, sell, lease or otherwise transfer or dispose of such rights, permits or licenses in accordance with such agreement;

(3) For the transfer of assets, for the public purpose of water conservation, to the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public corporation of the State of California, having power to use such assets for purposes of water conservation and to make such transfer without consideration;

(4) To acquire assets, for the public purpose of water conservation, by transfer without consideration from the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public corporation of the State of California, having the power to use such assets for purposes of water conservation.

6. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for storage of water, and by spreading and sinking water; to build, construct or acquire the necessary dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district.

7. To have and exercise the right of eminent domain; in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act.

8. To cause taxes to be levied, as herein provided, for the purpose of paying any obligations of the district and to accomplish the purposes of this act in the manner herein provided.

9. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted. Provided, that said district shall not have power to commence, intervene in, compromise, maintain or defend actions, or pay costs of the same, in controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district.

CHAPTER 1044

An act to amend Section 6006 of the Government Code, relating to newspapers.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 6006 of the Government Code is amended to read:

Newspapers of general circulation

6006. Nothing in this chapter alters the standing of any newspaper which, prior to the passage of Chapter 258 of the Statutes of 1923, was an established newspaper of general circulation, irrespective of whether it was printed in the place where it was published for a period of one year as required; provided, however, that this section shall apply only in the event that said newspaper has altered neither the county, nor the town, nor the city of its publication or printing, or both, since the effective date of this act.

CHAPTER 1045

An act to amend Section 6027 of the Government Code, relating to newspapers.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 6027 of the Government Code is amended to read:

6027. On and after July 1, 1952, a newspaper shall not be in fact or in law a newspaper of general circulation unless it obtains or has theretofore obtained a judicial decree establishing it as having such status pursuant to the provisions of this article. Newspaper of general circulation

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CHAPTER 1046

An act to add Section 6906 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect immediately

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

SECTION 1. Section 6906 is added to the Education Code, to read:

6906. Whenever a new school district is formed in whole or in part from territory comprising a part of another district and in which a school of such other district is maintained, the governing board of the latter district may, by the unanimous vote of all the members thereof, file with the Superintendent of Public Instruction, in writing, on or before June 30th of the fiscal year in which the action for the formation of the new school district was completed, a direction to credit the average daily attendance computed for such school for such fiscal year to the new school district for all the purposes of this division. The Superintendent of Public Instruction shall in such case credit such average daily attendance to the new school district for all the purposes of this division. Formation of new district

Notwithstanding anything in Chapter 15 of this division to the contrary, if average daily attendance of one school district, hereinafter referred to as the "original school district," is credited to a new school district under this section, the amounts allowed by the Superintendent of Public Instruction as state equalization aid to the original school district and to the new school district during the first fiscal year in which an apportionment is made to the new school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amount of state equalization aid which would have been apportioned to the original school district during said fiscal year had this section not been in effect by the units of average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the new school district. He shall allow to the original school district as state equalization aid the amount computed by multiplying the resulting quotient by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the new school

district. He shall allow the new school district as state equalization aid the amount computed by multiplying the same quotient by the units of average daily attendance credited to the district under 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 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:

During the first fiscal year of the existence of a school district which is formed in whole or in part of territory of another school district and in which a school of the latter district is maintained, the new school district receives no aid from the State on account of the average daily attendance in such school. Thus the ability of the new school district to maintain an adequate educational program for the pupils of such school is lessened. This measure makes it possible for the district which had maintained the school prior to the formation of the new school district to relinquish to such district the funds which it would otherwise receive from the State on account of the average daily attendance upon a school which the district is no longer obligated to maintain. No additional cost to the State results.

In order that this act may be made effective with respect to the next fiscal year, it is necessary that it take effect immediately.

CHAPTER 1047

An act to amend Sections 16305, 16322, 16349, 16350, 16390, 16391, 16392, 16430, and 16451 of the Business and Professions Code, and to add Sections 16304.1 and 16320.1 thereto, relating to itinerant merchants.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

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

SECTION 1. Section 16304.1 is added to the Business and Professions Code, to read:

"Sell"

16304.1. "Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter" or "trade."

SEC. 2. Section 16305 of said code is amended to read:

"Farm products"

16305. "Farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, soil conditioner in bulk (gypsum, lime, sulphur, etc.), poultry and poultry products, timber and timber products, livestock and livestock products, hay, dried beans, honey and cut flowers, but shall not include milk and milk products subject to the licensing and bonding provisions of Chapter 10 of Division 4 of the Agricultural Code.

SEC. 3. Section 16320.1 is added to said code, to read:

16320.1. In all matters arising under this chapter, the fact of possession by any person engaged in the sale of a commodity is prima facie evidence that such commodity is for sale. Possession as prima facie evidence

SEC. 4. Section 16322 of said code is amended to read:

16322. The provisions of this chapter do not apply to persons who use motor vehicles to transport farm products produced by them or on land owned by them. Livestock bought and held by a farmer in excess of thirty (30) days shall be considered to be the product of his own land. Application

SEC. 5. Section 16349 of said code is amended to read:

16349. A licensee may renew his license by filing a re-registration application prescribed by the commission and paying the license fee in the manner prescribed in this chapter in connection with the issuance of an original license. Renewal of license

SEC. 6. Section 16350 of said code is amended to read:

16350. The commission shall not renew the license of any licensee against whom there is an unsatisfied judgment rendered in any action arising out of the licensee's business in this State as an itinerant merchant or to an itinerant merchant who has been convicted of a misdemeanor violation arising from action instituted under the provisions of this chapter. Same Limitation

SEC. 7. Section 16390 of said code is amended to read:

16390. The commission shall assign to each licensee a number for each vehicle to be used by the licensee in his business as an itinerant merchant, and the commission shall issue to the licensee for each such vehicle an identification sticker of such color and form as to be readily distinguishable from motor vehicle license plates issued by the Department of Motor Vehicles. Vehicle number Identification sticker

SEC. 8. Section 16391 of said code is amended to read:

16391. When the motor vehicle for which an identification sticker is issued is used by the licensee in his business as itinerant merchant, the licensee shall display such identification sticker on a conspicuous place on the vehicle. Same Display

SEC. 9. Section 16392 of said code is amended to read:

16392. No motor vehicle shall be operated by an itinerant merchant unless the vehicle is equipped with an identification sticker as provided in this chapter. An identification sticker shall not be transferred from one vehicle to another. Same Restrictions

SEC. 10. Section 16430 of said code is amended to read:

16430. Each itinerant merchant shall pay a license fee in the amount of twenty dollars ($20) for each motor vehicle to be used by him in the conduct of his business The fee shall be paid to the commission at the time application is made for a license. License fee

SEC. 11. Section 16451 of said code is amended to read:

16451. Any member of the California Highway Patrol may, for the purpose of making an investigation, stop any motor vehicle in which goods are being transported on any public highway by or on behalf of an itinerant merchant and inspect the bills of lading, shipping or delivery papers or other Investigation

evidence to determine that the operator thereof is in legal possession of the load, and upon reasonable belief that the operator of such vehicle is not in legal possession thereof shall take custody of such vehicle and load, or any part thereof, and turn the same over into the custody of the sheriff of the county wherein the vehicle is apprehended.

It shall be the duty of said sheriff to receive and provide for the care and safekeeping of such load or any part thereof, and immediately in cooperation with the commission proceed with the investigation and legal disposition of such load or any part thereof.

Any expense incurred by the sheriff in the performance of his duties under this section shall be a legal charge against the county.

CHAPTER 1048

An act to amend Section 13093 of the Education Code, relating to the Public School System of the State of California.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951]

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

SECTION 1. Section 13093 of the Education Code is amended to read:

Change in district organization

13093. The division, uniting, unionization, unification, or consolidation of any school district or districts, or any change in school district boundaries or organization, shall not affect the classification of certificated employees already employed by any school district affected. Such employees shall have the same status with respect to their classification by the district, including time served as probationary employees of the district after the division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization as they had prior thereto If such division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization results in the school or other place in which any such employee is employed being maintained by another district, any such employee, if a permanent employee of the district which formerly maintained such school or other place of employment, shall be employed as a permanent employee of the district which thereafter maintains the school or other place of employment, unless such employee elects to continue in the employ of the first district. If such employee is a probationary employee of the district which formerly maintained such school or other place of employment, he may be employed by the district which thereafter maintains the school or other place of employment, and if so employed, his status with respect to classification by such district shall be the same as it would have been had the school or other place of employment continue to be maintained by the district which formerly maintained it.

In case the unionization, unification, uniting, or consolidation of two or more school districts results in a district in which, under the provisions of this code then in effect, the certificated employees are entitled to probationary or permanent classification, the employees of the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts shall be given such classification on the same basis as certificated employees in other districts of like average daily attendance.

CHAPTER 1049

An act to amend Sections 7524, 7525, 7526, 7528, 7551, 7552, and 7553 of, and to add Section 7530.5 to, the Business and Professions Code, relating to the regulation, registration, and licensing of private investigators and adjusters.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 7524 of the Business and Professions Code is amended to read:

7524. An application for a license under this chapter shall be on a form prescribed by the director and accompanied by the application fee provided by this chapter. Form of license application

SEC. 2. Section 7525 of said code is amended to read:

7525. An application shall be verified and shall include: Verification, contents

(a) The full name and business address of the applicant.

(b) The name under which applicant intends to do business.

(c) A statement as to the general nature of the business in which the applicant intends to engage.

(d) A statement as to the classification or classifications under which the applicant desires to be qualified.

(e) If the applicant is a person other than an individual, the full name and residence address of each of its partners, officers, and directors, and its manager.

(f) Such other information, evidence, statements, or documents as may be required by the director.

SEC. 3. Section 7526 of said code is amended to read:

7526. Before an application for a license is granted, the applicant or his manager, shall meet all of the following: Requirements

(a) Be at least twenty-one (21) years of age.

(b) Be a citizen of the United States.

(c) Be of good moral character and temperate habits.

(d) Have had at least two years' experience in the work of a private investigator or insurance adjuster or the equivalent thereof as determined by the director.

(e) Comply with such other qualifications as the director may fix by rule.

An applicant, or his manager, for a license as a private patrol operator shall submit, in lieu of the experience required in subdivision (d) hereof, proof of one year of experience as a patrolman, guard, or watchman or the equivalent thereof as determined by the director.

SEC. 4. Section 7528 of said code is amended to read:

Denial of license

7528. After a hearing the director may deny a license unless the applicant makes a showing satisfactory to the director that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors, employees and partners have not:

(a) Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) A bad moral character, intemperate habits, or a bad reputation for truth, honesty, and integrity.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Been refused a license under this chapter or had a license revoked.

(f) Been an officer, director, partner, or manager of any person who has been refused a license under this chapter or whose license has been revoked.

(g) While unlicensed committed, or aided and abetted the commission of, any act for which a license is required by this chapter.

(h) Knowingly made any false statement in his application.

SEC. 5. Section 7551 of said code is amended to read:

Suspension or revocation of license

7551. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Committed any act in the course of the licensee's business constituting dishonesty or fraud; or without the consent of the person in lawful possession entered any building or portion thereof.

(f) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee

of the United States of America, or of any state or political subdivision thereof.

(g) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of such license has committed, or permitted any employee to commit, any act which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(h) Committed any act which is a ground for denial of an application for a license under this chapter.

SEC. 6. Section 7552 of said code is amended to read:

7552. The director may suspend or revoke a license issued under this chapter if he determines that at any time any person became an officer, director or partner of a licensee, any of the facts stated in Section 7528 existed as to such person. Same

SEC. 7. Section 7553 of said code is amended to read:

7553. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, knowingly employed, or has in his employment, any person who: Same

(a) Has committed any act, which, if committed by a licensee or its manager, or any officer, director, partner, would be cause under this chapter for revocation of a license.

(b) Has committed any act in violation of this chapter.

(c) Has had a license revoked or suspended under this chapter.

(d) Has been denied a license under this chapter after hearing.

SEC. 8. Section 7530.5 is added to said code, to read:

7530.5. Where a hearing is held under this chapter to determine whether an application for a license should be granted or to determine the qualifications of a licensee's manager, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all of the powers granted therein. Hearing

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CHAPTER 1050

An act to amend Sections 7500, 7503, 7504, 7510, 7514, 7520, 7529, 7533, 7534, 7536, 7538, 7541, 7543, 7545, and to repeal Sections 7506, 7529.5, 7530, 7537, and 7567 of, and to add Section 7530 to, the Business and Professions Code, relating to the regulation of licensees of the Bureau of Private Investigators and Adjusters.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

SECTION 1. Sections 7506, 7529.5, 7530, 7537, and 7567 of the Business and Professions Code are repealed. Repeal

SEC. 2. Section 7530 is added to said code, to read:

Temporary continuation of business

7530. Where the individual on the basis of whose qualifications a license under this chapter has been obtained ceases to be connected with the licensee for any reason whatever, the business may be carried on for such temporary period and under such terms and conditions as the director shall provide by regulation.

SEC. 3. Section 7500 of said code is amended to read:

Short title

7500. This chapter may be cited as the Private Investigator and Adjuster Act.

SEC. 4. Section 7503 of said code is amended to read:

"Bureau"

7503. As used in this chapter, "bureau" means the Bureau of Private Investigators and Adjusters.

SEC. 5. Section 7504 of said code is amended to read:

"Licensee"

7504. As used in this chapter, "licensee" means a person licensed under this chapter and includes, but is not limited to, private investigator, private patrol operator and insurance adjuster.

SEC. 6. Section 7510 of said code is amended to read:

Bureau of Private Investigators and Adjusters

7510. There is in the Department of Professional and Vocational Standards a Bureau of Private Investigators and Adjusters under the supervision and control of the director.

SEC. 7. Section 7514 of said code is amended to read:

Rules

7514. The director may adopt and enforce reasonable rules:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including but not limited to private investigators, private patrol operators and insurance adjusters, and limiting the field and scope of the operations of a licensee to those in which he is classified and qualified to engage.

(b) Fixing the qualifications of licensees, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter.

(d) For a change in the classification of a licensee, or in the type of business organization upon application therefore by a licensee, and to prescribe the fee, if any, to be paid.

SEC. 8. Section 7520 of said code is amended to read:

Prohibited acts

7520. No person shall engage in a business regulated by this chapter; act or assume to act as; or represent himself to be a licensee unless he is licensed under this chapter; and no person shall falsely represent that he is employed by a licensee.

SEC. 9. Section 7529 of said code is amended to read:

Management of business

7529. (a) The business of each licensee shall be operated under the direction, control, charge, or management, in this State, of either the licensee or a manager, but no licensee shall be required to employ more than one manager.

(b) No person shall act as a manager of a licensee until he has complied with each of the following:

(1) Demonstrated his qualifications by a written or oral examination, or a combination of both, if required by the director.

(2) Made a satisfactory showing to the director that he has the qualifications prescribed by Section 7526 and that none of the facts stated in Section 7528 exist as to him.

(c) If the manager, who has qualified as provided in this section, ceases for any reason whatsoever to be connected with the licensee to whom the license is issued, the licensee shall notify the director in writing 30 days form such cessation. If notice is given, the license shall remain in force for a reasonable length of time to be determined by the rules of the director pending the qualifications as provided in this chapter, of another manager. If the licensee fails to notify the director within the 30-day period, his license shall be subject to suspension or revocation and may be reinstated only upon the filing of an application for reinstatement, payment of the reinstatement fee, if any be due, and the qualification of a manager as provided herein.

SEC. 10. Section 7533 of said code is amended to read:

Pocket card

7533. Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the director shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors, and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his position, office or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the bureau for cancellation.

SEC. 11. Section 7534 of said code is amended to read:

Change of address, etc

7534. A licensee shall, within 30 days after such change, notify the bureau of any and all changes of his address, of the name under which he does business, and of any change in its officers, directors, or partners.

SEC. 12. Section 7536 of said code is amended to read:

Employment of assistants

7536. A licensee may employ to assist him in his business as many unlicensed persons as may be necessary, except as provided in this chapter with respect to managers, and shall at all times be legally responsible for the good conduct in the business of each person so employed.

SEC. 13. Section 7538 of said code is amended to read:

Divulgence of information

7538. (a) Any licensee or officer, director, partner, or manager of a licensee may divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

False report

(b) No licensee or officer, director, partner, manager, or employee of a licensee shall knowingly make any false report

to his employer or client for whom information was being obtained.

Submission of report to client

(c) No written report shall be submitted to a client except by the licensee, qualifying manager, or a person authorized by one or either of them, and such person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such a report are true and correct.

SEC. 14. Section 7541 of said code is amended to read:

Principal place of business

7541. Each licensee shall file with the bureau the complete address of his principal place of business including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post-office box. The director may require the filing of other information for the purpose of identifying such principal place of business.

SEC. 15. Section 7543 of said code is amended to read:

Branch offices

7543. Each licensee shall file in writing with the bureau the address of each branch office, and within 10 days after the establishment, closing, or changing of location of a branch office shall notify the bureau in writing of such fact.

Upon application of a licensee the bureau shall issue branch office certificates.

SEC. 16. Section 7545 of said code is amended to read:

Surety bond

7545. No license shall be issued under this chapter unless the applicant files with the director a surety bond executed by such applicant with two or more sureties or by a surety company authorized to do business in this State in the sum of two thousand dollars ($2,000) conditioned for the faithful and honest conduct of his business by such applicant. Such bond as to its form, execution and sufficiency of the sureties shall be approved by the director.

Construction

SEC. 17. This act shall not be construed to interfere with the right of any person to continue to use the business name under which such person was validly licensed on the effective date of this act.

CHAPTER 1051

An act to amend Sections 7521 and 7522 of the Business and Professions Code, relating to private investigators and adjusters.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 7521 of the Business and Professions Code is amended to read:

Private investigator

7521. (a) A private investigator within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engages in business or accepts employment to furnish, or agrees to make, or makes, any

investigation for the purpose of obtaining, information with reference to:

Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer, or investigating committee.

Private patrol operator

(b) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person who, for any consideration whatsoever:

Agrees to furnish, or furnishes, a watchman, guard, patrolman, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of such watchman, guard, patrolman, or other person, for any of said purposes.

Limitations

(c) A person licensed as a private patrol operator only may not make any investigation or investigations except those that are incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which he has been hired or engaged to protect, guard, or watch.

Insurance adjuster

(d) An insurance adjuster within the meaning of this chapter is a person other than a private investigator who, for any consideration whatsoever, engages in any of the activities enumerated in subdivision (a) in the course of adjusting or otherwise participating in the disposal of, any claim under or in connection with a policy of insurance.

SEC. 2. Section 7522 of said code is amended to read:

Application of provisions

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this State or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 21 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A collection agency licensed by the Secretary of State or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his assets and of property which the client has an interest in or lien upon.

(h) Admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

CHAPTER 1052

An act to amend Sections 7580 and 7581 of the Business and Professions Code, relating to a schedule of license fees for private investigators and adjusters and creating a Private Investigator and Adjuster Fund.

In effect September 22, 1951

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 7580 of the Business and Professions Code is amended to read:

License fees

7580. The amount of fees prescribed by this chapter, unless otherwise fixed, is that fixed in the following schedule:

(a) The application fee for an original license in any classification is twenty-five dollars ($25).

(b) The fee for an original license as a private investigator, or as a private investigator and private patrol operator shall be fixed by the director at not more than fifty dollars ($50) nor less than twenty-five dollars ($25).

(c) The fee for an original license as a private patrol operator shall be fixed by the director at not more than twenty-five dollars ($25) nor less than twelve dollars ($12).

(d) The amount of the renewal license fee for any classification is the same as fixed herein for the original license fee.

(e) The application and license fee for classifications prescribed by the director, in addition to those provided for in this chapter, and the application and license fees for a change in the type of business organization of a licensee, shall be in the amount prescribed by rule and regulation of the director.

(f) The reinstatement fee for a license which has been forfeited for failure to renew within the time fixed by this chapter is the amount of the annual license fee plus a penalty of fifty percent (50%) thereof.

(g) The fee for an original license as an insurance adjuster shall be the same as prescribed in subdivision (b) of this section.

(h) The fee for the issuance of a branch office certificate is five dollars ($5).

SEC. 2. Section 7581 of said code is amended to read:

7581. The Department of Professional and Vocational Standards shall receive and account for all money derived from the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Private Investigator and Adjuster Fund. The Private Detective Fund is hereby abolished and the unexpended balance remaining in this fund on the effective date of this chapter shall, on order of the State Controller, be transferred to the Private Investigator and Adjuster Fund. All money in the Private Investigator and Adjuster Fund shall be expended in accordance with law by the bureau for the purpose of carrying out the provisions of this chapter. Disposition of funds

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CHAPTER 1053

An act to amend Section 25656 of the Water Code, relating to assessments in irrigation districts.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

SECTION 1. Section 25656 of the Water Code is amended to read:

25656. At the time of levying the annual assessment, there shall be added by the board to the annual assessment on land within any improvement district or distribution district within any district: Annual assessment

(a) The installment, if any, for which the land is liable in that year by reason of an improvement district or distribution district assessment levied pursuant to Chapter 1 or 2 of Part 7 or Part 6.5 of this division

(b) An amount which the board may consider necessary for the operation of the works in or for the improvement district or distribution district for the ensuing year.

CHAPTER 1054

An act to amend Section 9550 of the Business and Professions Code, relating to operator in charge of cleaning, dyeing, spotting, and pressing establishments and schools.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 9550 of the Business and Professions Code is amended to read.

Registered operator

9550. No person shall conduct, maintain or operate a clothes cleaning establishment, a dyeing plant, a cleaning and dyeing shop or store, a spotting, sponging or pressing establishment, or a school or college of cleaning, spotting or pressing, unless there is an operator, having a valid registration certificate in charge of such establishment at all times when any of the processes of cleaning, dyeing, spotting or pressing is being done. This section shall not be construed to prevent the temporary absence of a registered operator from the premises for any reasonable cause.

CHAPTER 1055

An act to amend Section 740.4 of the Streets and Highways Code, relating to mapped highways.

In effect September 22, 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 740.4 of the Streets and Highways Code is amended to read:

Adoption of precised plan

740.4. The department shall transmit a copy of such map insofar as it relates to the land within a county to the planning commission of the county. The planning commission of such county shall thereafter prepare a precised plan showing such planned right of way in conformity with Section 65250 of the Government Code and the governing body of the county shall thereafter adopt such precised plan in the manner provided in Article 9, Chapter 1, Title 7, of the Government Code.

CHAPTER 1056

An act to amend Section 1596 of the Labor Code, relating to employment agencies.

In effect September 22 1951

[Approved by Governor June 13, 1951 Filed with Secretary of State June 14, 1951.]

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

SECTION 1. Section 1596 of the Labor Code is amended to read:

1596. The Labor Commissioner may revoke or suspend any license when it is shown that: Revocation or suspension of license

(a) The licensee or his agent has violated or failed to comply with any of the provisions of this chapter.

(b) The licensee has ceased to be of good moral character.

(c) The conditions under which the license was issued have changed or no longer exist, or

(d) The licensee or his agent has violated or has wilfully and knowingly aided or abetted any person in the violation of any provision or in the failure to comply with any requirement of Sections 1031 to 1036, inclusive, of the Public Utilities Code. But nothing in this chapter contained shall interfere with the right of employers to arrange with such licensees for the transportation of laborers to their prospective places of employment

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CHAPTER 1057

An act to amend Sections 30 and 89 of the Community Redevelopment Act and to amend Sections 33330, 33333, and 33450 of the Health and Safety Code, relating to community redevelopment. Stats. 1945, p. 2478, amended

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.] In effect September 22, 1951

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

SECTION 1. Section 30 of the act cited in the title hereof is amended to read:

Sec. 30. Before any area is designated for redevelopment the community authorized to undertake such development shall comply with the requirements of Sections 31 and 32. Requirements

SEC. 2. Section 89 of said act is amended to read:

Sec. 89. Two or more agencies within two or more communities may jointly exercise the powers granted under this act and in such case the agencies, the planning commissions and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the communities interested. Joint exercise of powers, etc

If one agency is designated, it shall obtain the report and recommendation of the planning commission of each community on the redevelopment plan and its conformity to the master or general plan of each community before presenting the tentative redevelopment plan or the redevelopment plan to the respective legislative bodies for adoption.

The designated agency and each planning commission shall cooperate in formulating redevelopment plans.

The legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community; provided, that such area is contiguous to such other

community. Such authorization shall be by ordinance enacted by the legislative body which shall designate the community to undertake such redevelopment. Under such circumstances, the community so authorized may undertake the redevelopment of such area in all respects as though said area were within its territorial limits and the legislative body, agency and planning commission thereof shall have all the rights, powers and privileges with respect to said area as though it were within the territorial limits of the community so authorized. Neither the legislative body, agency, nor planning commission of the community so authorizing shall be required to comply with any requirements of this act except as set forth in this section and except that any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing.

SEC. 3. Section 33450 of the Health and Safety Code is amended to read:

Requirements

33450. Before any area is designated for redevelopment, the community authorized to undertake such development shall comply with the requirements of this article.

SEC. 4. Section 33330 of said code is amended to read:

Joint exercise of powers

33330. Two or more agencies within two or more communities may jointly exercise the powers granted under this part In such case the agencies, the planning commissions, and the legislative bodies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency for all of the interested communities.

SEC. 5. Section 33333 of said code is amended to read:

Authorization of redevelopment

33333. By ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community. The ordinance shall designate the community to undertake such redevelopment. The community so authorized may undertake the redevelopment of such area in all respects as if the area was within its territorial limits and its legislative body, agency, and planning commission shall have all the rights, powers, and privileges with respect to such area as if it was within the territorial limits of the community so authorized. Neither the legislative body, agency, nor planning commission of the community so authorizing shall be required to comply with any requirements of this part except as set forth in this section. Any redevelopment plan for such area shall be approved by ordinance enacted by the legislative body of the community so authorizing.

Effect Stats 1951, Ch 710

SEC. 6. Sections 3, 4, and 5 of this act become operative only if Division 24 of the Health and Safety Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 24 takes effect, at which time Sections 30 and 89 of the Community Redevelopment Act are repealed.

CHAPTER 1058

An act to add Section 51.5 to the Fish and Game Code, relating to game management area.

[Approved by Governor June 13, 1951. Filed with Secretary of State June 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 51.5 is added to the Fish and Game Code, to read:

51.5. Licenses issued prior to the ninety-first day after final adjournment of the 1951 Regular Session of the Legislature shall be valid thereafter until the period for which they were issued expires. The holder of such a license shall continue to have any right to take or cause to be taken quail or pheasants or both which may have accrued under subdivision (d) of Section 51 prior to its amendment at said 1951 Regular Session. Otherwise the holder of such license shall be subject to the provisions of this chapter as amended.

Application of provisions

CHAPTER 1059

An act to authorize the exchange by the State Park Commission of lands in Del Norte County deeded to the State in addition to Mill Creek State Park for lands along Smith River adjacent to existing state park.

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. In order to consolidate the state holdings of redwoods for state park purposes in Del Norte County along and in vicinity of the Smith River, the State Park Commission, with the approval of the Department of Finance, may exchange those areas now in state ownership lying in Sections 7, 8, 17, 18, 19, 20, 29, 30, and 32 of Township 17 N., Range 1 E., Humboldt Meridian, deeded to the State in addition to Mill Creek State Park acquired in 1940, with the provision that "the limitation of use for park purposes shall not apply," for privately owned lands along the Smith River adjacent to the existing Jedediah Smith Redwoods State Park formerly known as Mill Creek Redwoods State Park. The exchanged lands shall be of approximately equal value, as determined by resolution of the State Park Commission and by resolution of the Board of Supervisors of Del Norte County.

Exchange of areas authorized

SEC. 2. A copy of each deed of conveyance executed and delivered by the State Park Commission pursuant to this act shall be delivered to the State Lands Commission.

Copy of deed

CHAPTER 1060

An act to amend Section 28127 of the Government Code, relating to counties of the twenty-seventh class.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 28127 of the Government Code is amended to read:

Imperial County Salaries

28127. In a county of the twenty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, six thousand dollars ($6,000) a year.

(b) The district attorney eight thousand eight hundred dollars ($8,800) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed seventy-five dollars ($75) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers, and submit signed receipts and vouchers for any expenses in excess of two dollars ($2). Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of seven cents ($0.07) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of seven cents ($0.07) a mile for all mileage actually traveled outside the county shall be paid.

(d) Trial jurors in criminal cases shall receive three dollars ($3) as compensation for each day's attendance for trial in the superior courts, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the superior court, one way only.

Grand jurors shall receive three dollars ($3) as compensation for each day's attendance at sessions of the grand jury, and

ten cents ($0.10) for each mile actually and necessarily traveled from their residences in attending the sessions of the grand jury, one way only, to be allowed but once during each meeting day the grand jurors are required to attend sessions thereof.

All jurors required to attend trials in justices' courts or justice courts established pursuant to the Municipal and Justice Court Act of 1949 shall receive one dollar and fifty cents ($1.50) as compensation for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled in attending such trials, one way only, to be allowed but once during each meeting day the trial jurors are required to attend trial. Stats. 1949, p. 2681

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

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CHAPTER 1061

An act to amend Section 66 of the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Sonoma, and providing for the appointment of an additional judge and for compensation.

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.] In effect September 22, 1951

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

SECTION 1. Section 66 of the Code of Civil Procedure is amended to read:

66. In the County of Sonoma there shall be three judges of the superior court. Sonoma County superior court 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 Sonoma in addition to the superior court judges already provided for by law in said County of Sonoma, who shall hold office until the first Monday after the first day of January, 1953. At the general election to be held in November, 1952, one additional judge of the Superior Court of Sonoma 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 time prescribed by the Constitution and by law. Appointment, etc

SEC. 3. 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 judges of the Superior Court in Sonoma County now authorized by law. Salary

CHAPTER 1062

An act to amend Section 1630.1 of the Labor Code, relating to employment agencies.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 1630.1 of the Labor Code is amended to read:

Notification of labor contract, etc

1630.1. Every employment agency shall notify each applicant before sending such applicant in response to a request for employment whether a labor contract is in existence at the establishment to which the applicant is being sent, and whether union membership is required.

CHAPTER 1063

An act to amend Section 6810 of the Business and Professions Code, relating to the registration of professional engineers.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 6810 of the Business and Professions Code is amended to read:

Examination

6810. (a) The board shall permit an applicant for registration as a professional engineer, upon his request, to take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his application for certification as engineer-in-training and payment of the application fee herein prescribed. This first stage of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; upon satisfactorily passing this stage of the examination he shall be given by the board an appropriate certificate as an engineer-in-training.

Same

(b) At any time after the completion of the required total of six years of engineering experience as defined above, the applicant may take the second stage of the examination, upon submission of his application for registration and payment of the application fee herein prescribed. This stage of the examination shall test the applicant's ability, upon the basis of his greater experience, to apply his knowledge and experience to the practice of the branch or branches of engineering in which he is applying and to take responsible charge of engineering work.

Applications filed before June 30, 1948

(c) At any time on filing an application on or before June 30, 1948, and the payment of the application fee fixed by this chapter, there shall be issued a certificate of registration, as an engineer-in-training, without examination, to any applicant who shall submit to the board evidence satisfactory to the board that he has graduated from an approved engineering curriculum of four years or more in a school or college approved by the board.

At any time after the completion of the required six years of engineering experience, as defined by this chapter, the applicant may take the second stage of the examination, upon submission of his application for registration and payment of the application fee herein prescribed. The board shall have a reasonable time after June 30, 1948, to process all applications filed under this section.

CHAPTER 1064

An act to repeal Article 2 of Chapter 4 of Division 4 of Title 4 of the Government Code, relating to the authorization and issuance of bonds of cities.

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Article 2 of Chapter 4 of Division 4 of Title 4 of the Government Code, consisting of Sections 43670 to 43696, is repealed. Repeal

SEC. 2. The repeal of said Article 2 shall not be applicable to or affect in any way any bonds heretofore issued or authorized to be issued under said Article 2 or the statutory provisions of which said Article 2 is a continuation, and all of the authority, power and jurisdiction now conferred by, and all provisions of, said Article 2 and its predecessors are retained in full force and effect with respect to such bonds until all such bonds have been fully paid and discharged. Effect

CHAPTER 1065

An act to amend Section 1018 of the Code of Civil Procedure, relating to service of process in actions to enforce tax liability.

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1018 of the Code of Civil Procedure is amended to read:

1018. (a) Every foreign corporation and nonresident individual who either incurs any liability to the State of California under any tax law of the State or who is a guardian, receiver, or fiduciary of any individual, estate or trust, or corporation, or a member of a partnership, incurring any such liability, shall file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its or his agent for the purpose of service of process in any action to enforce such liability in the courts of this State, and the delivery to such agent of a copy of any process in any such action shall constitute valid service on such foreign corporation, nonresident, individual, fiduciary or partner. A copy of such designation, certified by the Secretary of Service on nonresidents, etc

State, is sufficient evidence of the appointment of such agent for service of process. Such foreign corporation or nonresident individual shall file with the Secretary of State notice of any change of address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State.

Service on resident who leaves State

(b) Every resident individual who incurs any liability to the State of California under any tax law of the State or who is a guardian, receiver, or fiduciary of any individual, estate or trust, or corporation, or member of a partnership, incurring any such liability, who hereafter leaves the State for a period of longer than one year, or is hereafter absent from the State for a period longer than one year, and who is or was a resident at the time of leaving the State, shall file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its or his agent for the purpose of service of process in any action to enforce such liability in the courts of this State, and the delivery to such agent of a copy of any process in any such action shall constitute valid service on such individual. A copy of such designation, certified by the Secretary of State, is sufficient evidence of the appointment of such agent for service of process. Such individual shall file with the Secretary of State notice of any change of address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State.

Service by delivery of process to Secretary of State

(c) In the event that no agent designated in accordance with the provisions of this section can be found with due diligence at the address given, or if the agent so designated be no longer authorized to act, or if no person has been designated, and if personal service of process upon the corporation or individual within this State cannot be made with the exercise of due diligence, then service shall be made by delivery of the process to the Secretary of State or to an assistant or deputy secretary of state, and such service shall be a sufficient service on said corporation or individual subject to compliance with subsection (d) hereof. The making and filing of an affidavit or affidavits in the action or proceeding showing what effort was made or action taken to comply with the above requirements of due diligence and the making of an order of the court in which said action or proceeding is pending finding that due diligence has been exercised and directing service of summons as herein provided, shall be sufficient proof of the fact of such exercise of due diligence.

Same

(d) In the event of service of process under subsection (c) hereof, there shall be delivered to the Secretary of State by the attorney representing the State a statement of the address of the corporation or individual to which or to whom notice, and a copy of the summons and complaint, shall be sent. Upon the receipt of such summons and complaint the Secretary of State forthwith shall give notice to the corporation or individual by telegraph, charges prepaid, to the address given in the state-

ment delivered to the Secretary of State at the time of such service, of the service of the summons and complaint and shall forward to such corporation or individual by registered mail, a copy of such summons and complaint. Personal service of such notice and a copy of such summons and complaint upon the corporation or individual wherever found outside this State shall be the equivalent of said mailing.

Same

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by certificate of the Secretary of State, under his official seal, showing said mailing, together with the defendant's return receipt. Such certificate and receipt shall be appended to the original summons which shall be filed with the court from out of which such summons issued within such time as the court may allow for the return of such summons. In the event of personal service outside this State such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the State or jurisdiction where the defendant is found, showing such service to have been made. Such return shall be appended to the original summons which shall be filed as aforesaid.

Effect

(f) Service made under this section shall have the same legal force and validity as if service had been made personally in this State; provided, however, that the defendant may appear and answer the complaint within 30 days from the date of service.

Continuances

(g) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

Record

(h) The Secretary of State shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

Severability clause

(i) If any clause, sentence, paragraph, or part of this section shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

CHAPTER 1066

An act to amend Section 19539 of the Business and Professions Code, relating to horse racing.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 19539 of the Business and Professions Code is amended to read:

Harness racing days

19539. In addition to the racing days which may be allowed under other sections of this chapter, the board may

allow not to exceed a total of 70 days for harness racing only, except that at such harness meetings, the licensee may run one or more quarter horse races as approved by the board. Thirty-five of said 70 days shall be allocated to licensed racing associations conducting horse racing meetings south of the sixth standard parallel south. Mount Diablo base and meridian, and the remainder to licensed racing associations conducting such meetings north of said standard parallel.

CHAPTER 1067

An act to amend Section 18005 of the Government Code, relating to the separation from state service of state personnel.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 18005 of the Government Code is amended to read:

Compensation upon separation from state service

18005. Upon separation from service without fault on his part, a person is 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 he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board.

Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service. Persons separated from service through fault of their own are 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 State Personnel Board may determine.

CHAPTER 1068

An act to amend Sections 18055 and 18057 of the Education Code, relating to repairs and alterations of school buildings.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 18055 of the Education Code is amended to read

Repairs etc., by day's labor, etc.

18055. The board may repair old buildings and improve school grounds by day's labor or by force account.

SEC. 2. Section 18057 of the Education Code is amended to read:

18057. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day's labor, or by force account, whenever the total cost of labor on the job does not exceed one thousand dollars ($1,000). Same

CHAPTER 1069

An act to amend Section 2801 of the Elections Code, relating to state central committee meetings.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.] In effect September 22, 1951

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

SECTION 1. Section 2801 of the Elections Code is amended to read:

2801. The Secretary of State shall also enclose with the notice four copies of the following form of proxy for attendance at the meeting of the state central committee: Attendance proxy form

PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO, IN THE YEAR 19___.

I, _____, duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19___ by virtue of (being a delegate to the state convention) (my appointment thereto by _____; this appointment having been duly filed in the Office of the Secretary of State) (strike out part inapplicable) do hereby designate _____ (name); _____ (post-office address); as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the _____ day of _____, 19___.

In witness whereof I have hereunto set my hand this _____day of_____, 19___.

_____, Member

Signed and sworn to before me this _____ day of _____, 19___.

_____, Notary Public

CHAPTER 1070

An act to amend Sections 664, 665, and 666 of the Welfare and Institutions Code, relating to the appointment and removal of juvenile hall superintendents, matrons and employees, and duties of the probation officer.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.] In effect September 22, 1951

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

SECTION 1. Section 664 of the Welfare and Institutions Code is amended to read:

Juvenile hall employees. Appointment

664. The superintendent or matron of the juvenile hall shall be appointed by the probation officer with the approval of the board of supervisors, the probation committee and the judge of the juvenile court. All other employees of the juvenile hall shall be appointed by the probation officer; provided, however, that in counties where the probation committee is responsible for the management and control of the internal affairs of the juvenile hall, the superintendent or matron and all other employees of the juvenile hall shall be appointed by the probation committee with the approval of the board of supervisors and the judge of the juvenile court.

SEC. 2. Section 665 of said code is amended to read:

Removal

665. The superintendent or matron of the juvenile hall may be removed at any time by the probation officer with the consent of the probation committee and the judge of the juvenile court. All other employees of the juvenile hall may be removed at any time by the probation officer in his discretion; provided, however, that, in counties where the probation committee is responsible for the management and control of the internal affairs of the juvenile hall the superintendent, matron or any other employee of the juvenile hall may, at any time, be removed by the probation committee in its discretion.

SEC. 3. Section 666 of said code is amended to read:

Classified list of expenses

666. The probation officer shall keep a classified list of expenses for the operation of the juvenile hall, and shall file a duplicate copy with the county board of supervisors; provided, however, that in counties where the probation committee is responsible for the management and control of the juvenile hall the superintendent of the juvenile hall shall keep a classified list of expenses, and shall file a duplicate copy with the county board of supervisors.

CHAPTER 1071

An act to add Section 9540.7 to the Business and Professions Code, relating to the issuance of licenses by the State Board of Dry Cleaners.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 9540.7 is added to the Business and Professions Code, to read:

Failure to appear for examination

9540.7. Applicants failing to appear for examination after being duly notified by the board for three (3) consecutive examinations, shall be removed from the list of eligible applicants for examination and shall forfeit their examination fee, except that any person whose failure to appear for examination is due to service in any branch of the armed forces of the United States during a period of war as defined in Section 18 of the Military

and Veterans Code shall, upon application made not later than one year from the date of discharge or return to inactive military service, and upon the filing of an affidavit showing the date of entrance into service, whether still in service, or the date of discharge or return to inactive status, be restored to the eligible list and permitted to take the examination without payment of further examination fee.

CHAPTER 1072

An act to add Section 9594.9 to the Business and Professions Code, relating to disciplinary action by the State Board of Dry Cleaners.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9594.9 is added to the Business and Professions Code, to read:

9594.9. Aiding or abetting any unlicensed person to evade the provisions of this chapter or knowingly combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person, with the intent to evade the provisions of this chapter constitutes a cause for disciplinary action.

Aiding, etc., unlicensed person

CHAPTER 1073

An act to amend Section 689b of the Code of Civil Procedure, relating to executions.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. The officer levying on property on which there is a chattel mortgage must within five days after being served with written notice by the mortgagee containing a statement of the mortgage, make demand by registered mail on the plaintiff or his attorney for the amount of the debt and interest due the mortgagee to date of tender, and the plaintiff shall deposit with the officer the amount of such debt and interest within five days after the receipt of such demand, and within five days after receipt by him of said amount the officer must pay or tender same to the mortgagee or must deposit said amount with the county clerk or treasurer, payable to the order of the mortgagee or release the property. If the mortgagee refuses to accept the pay or tender of the amount of the debt and interest, or if the mortgagee refuses to disclose the amount of the debt and interest, for

Levy on mortgaged property

30 days following the personal service upon him by the levying officer of a written demand therefor, which service must be attested by the officer's certificate thereof, filed before the sale with the papers of the action wherein the attachment or execution was issued, then the officer must attach the personal property as if the same were free of all liens or claims of the mortgagee, and the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law. When an attachment or execution creditor presents to the officer a verified statement that the mortgage is void or invalid for reasons therein specified and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the mortgagee or in a sum equal to double the value of the personal property, the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law.

The undertaking shall be made to both the officer and mortgagee, and shall indemnify them and each of them for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

Notice to registered owners

Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from the department the name and address of the legal owner of the vehicle and shall notify any such legal owner who is not also the registered owner of such vehicle of the levy by registered mail or personal service.

CHAPTER 1074

An act to amend Section 3077 of the Labor Code, relating to the Apprenticeship Labor Standards Act.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 3077 of the Labor Code is amended to read:

"Apprentice"

3077. The term "apprentice" as used in this chapter, means a person at least 16 years of age who has entered into a written agreement, in this chapter called an "apprentice agreement," with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both. The term of apprenticeship for each apprenticeable occupation shall be approved by the administrator, and in no case shall provide for less than 2,000 hours of reasonably continuous employment for such person and for his participation in an approved program of training through employment and through education in related and supplemental subjects.

CHAPTER 1075

An act to amend Section 36509 of the Government Code, relating to cities of the sixth class.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 36509 of the Government Code is amended to read:

36509. The question shall be printed on the ballots used at the election substantially as follows: "Shall the offices of city clerk and city treasurer be appointive?" with the words "yes" and "no" so printed that the voters may express their choice.

Ballot Form

CHAPTER 1076

An act to amend Section 4730 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 4730 of the Health and Safety Code is amended to read as follows:

4730. The governing body of a sanitation district is a board of directors of not less than three members. The presiding officer of the governing body of each city, the whole or part of which is included in the sanitation district, is a member of the board. A member of the governing body of each sanitary district, the whole or part of which is included in the sanitation district, is a member of the board.

Board of directors

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then the presiding officer of the county board of supervisors is a member of the board.

The governing body of each city and the board of supervisors shall each select one of its members, other than its presiding officer, as an alternate director to act as a member of the district board in place of the presiding officer during his absence, inability or refusal to act.

If the sanitation district includes unincorporated territory and all or part of one city and no sanitary district, or unincorporated territory and one sanitary district and no city, then the presiding officer and one other member of the board of supervisors are members of the board, unless the population included in the city or sanitary district is more than half of the population of the whole sanitation district, in which case the presiding officer of the board of supervisors and the presiding officer and

one other member of the governing body of the city or two members of the governing body of the sanitary district, as the case may be, constitute the board of directors.

If the total number of cities and sanitary districts included in the sanitation district in whole or in part is two and if the sanitation district does not include any territory not in cities or sanitary districts, then the district board includes the presiding officer and one other member of the governing body of the city or two members of the governing body of the sanitary district having the greatest population and the presiding officer of the governing body of the city or one member of the governing body of the sanitary district having the least population.

If the total number of cities and of sanitary districts wholly or in part within the sanitation district is two or more, and if, in addition, the district contains unincorporated territory, then the district board includes the presiding officer of the board of supervisors, the presiding officer of the governing board of each city, and a member of the governing board of each sanitary district.

If the district includes no territory which is in cities or sanitary districts, then the county board of supervisors is the board of directors of the district.

A city within a sanitation district, the sewered portion of which city lies entirely within a sanitary district, shall have no representation on the board.

"Sanitary district" The term "sanitary district" as used in this section shall mean a sanitary district formed prior to the formation of the sanitation district in which it is included in whole or in part.

CHAPTER 1077

An act to amend Section 4300l of the Political Code and Section 32 of the Municipal Court Act of 1925, relating to municipal court fees.

Stats 1925, p 648, amended

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 4300*l* of the Political Code is amended to read:

Fees Clerks 4300*l*. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees:

For filing the complaint, or other first paper, four dollars ($4), to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment.

For filing the first paper on behalf of any party (other than plaintiff) two dollars ($2), for each such party.

For filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings before trial and all services, four dollars ($4).

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar ($1), and a further sum equal to the fee for filing in the court to which the case is to be transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For receiving and filing an abstract of judgment rendered by a justice or judge of another court and for subsequent services based thereon, five dollars ($5).

For certificate and transmitting transcript and papers on appeal, one dollar ($1).

For issuing a transcript of the register of actions, one dollar ($1).

For issuing an abstract of judgment, one dollar ($1).

For taking an acknowledgment of any instrument, for each signature, fifty cents ($0.50).

For administering an oath and certifying thereto, fifty cents ($0.50).

For issuing a writ of execution, a writ of restitution, a writ of possession, or any writ for the enforcement of any order or judgment, one dollar ($1).

For issuing an order of sale, two dollars ($2).

For exemplification of record or other paper on file, besides the charges allowed for copying or comparing, two dollars ($2).

For filing any notice of intention to move for a new trial of any cause, three dollars ($3).

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twenty cents ($0.20).

For preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy thereof, per folio, ten cents ($0.10).

For certifying a copy of any paper, record or proceeding on file in his office, seventy-five cents ($0.75).

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, four cents ($0.04) per folio.

No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in Section 4300b, Political Code, except that for keeping property taken under legal process they shall collect the actual amount charged

Marshals

by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be five dollars ($5) per day.

Sections 4292 to 4297, inclusive, and Section 4305 of this code shall apply to officers of municipal courts and to the disposition of fees collected by such officers.

Witnesses

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which any such municipal court is situated.

Jurors

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

SEC. 2. Section 32 of the Municipal Court Act of 1925 is amended to read:

Clerk's fees

Sec. 32. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees:

(a) For filing the complaint, or other first paper, four dollars ($4), to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment.

(b) For filing the first paper on behalf of any party (other than plaintiff) two dollars ($2), for each such party.

(c) For filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings before trial and all services, four dollars ($4).

(d) When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar ($1), and a further sum equal to the fee for filing in the court to which the case is to be transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

(e) For receiving and filing an abstract of judgment rendered by a justice or judge of another court and for subsequent services based thereon, five dollars ($5).

(f) For certificate and transmitting transcript and papers on appeal, one dollar ($1).

(g) For issuing a transcript of the register of actions, one dollar ($1).

(h) For issuing an abstract of judgment, one dollar ($1).

(i) For taking an acknowledgment of any instrument, for each signature, fifty cents ($0.50).

(j) For administering an oath and certifying thereto, fifty cents ($0.50).

(k) For issuing a writ of execution, a writ of restitution, a writ of possession, or any writ for the enforcement of any order or judgment, one dollar ($1).

(*l*) For issuing an order of sale, two dollars ($2).

(m) For exemplification of record or other paper on file, besides the charges allowed for copying or comparing, two dollars ($2).

(n) For filing any notice of intention to move for a new trial of any cause, three dollars ($3).

(o) For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twenty cents ($0.20).

(p) For preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy thereof, per folio, ten cents ($0.10).

(q) For certifying a copy of any paper, record or proceeding on file in his office, seventy-five cents ($0.75).

(r) For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, four cents ($0 04) per folio.

(s) No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

SEC. 3 Section 2 of this act becomes operative only if Section 4300*l* of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect. Effect Stats 1951, Ch 1633

CHAPTER 1078

An act to amend Section 3024.5 of the Penal Code, relating to term of imprisonment.

[Approved by Governor June 15, 1951 Filed with Secretary of State June 15, 1951] In effect September 22, 1951

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

SECTION 1. Section 3024.5 of the Penal Code is amended to read:

3024.5. When any person received on or after January 1, 1948, at a prison or institution under the jurisdiction of the Director of Corrections, is serving a sentence in which the legal minimum is five years or more, the Adult Authority may refix his term to discharge such prisoner at any time after he has served two-thirds of such minimum term whenever the authority determines that such person has made a satisfactory adjustment and rehabilitation. Refixing of term

CHAPTER 1079

An act to amend Section 19259 of the Government Code, relating to employees who have completed 25 or more years of state service.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 19259 of the Government Code is amended to read:

Service memento

19259. Any appointing power may present to an employee who has completed 25 or more years of state service a certificate, plaque or other suitable memento and the cost of the same shall be a proper charge against the support appropriation of the department or office in which the employee serves; provided, that the cost of any such certificate, plaque or memento shall not exceed the sum of fifteen dollars ($15). Such presentation may likewise be made to a retired employee who on the date of his retirement had completed 25 or more years of state service

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CHAPTER 1080

An act to amend Section 1652 of the Education Code and to repeal Section 1653 of said code, relating to the jurisdiction of county superintendents of schools over school districts lying in more than one county.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 1652 of the Education Code is amended to read:

School district in two or more counties Jurisdiction

1652. Whenever any school district is situated partly within two or more counties, jurisdiction over it is, unless otherwise provided in this code, in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction over the district is in the county superintendent of schools of the county in which the greatest area of the district lies.

Repeal

SEC. 2. Section 1653 of said code is repealed.

CHAPTER 1081

An act to declare that certain land situated in the City and County of San Francisco is no longer necessary for navigation, commerce, fisheries or street uses, and authorizing

the Board of State Harbor Commissioners for San Francisco Harbor to sell or exchange such lands.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. It is hereby determined that because of changes in the shore line of San Francisco Bay pursuant to a program of harbor improvements including the filling in of the following described parcels of land, situated in said City and County of San Francisco, which parcels of land lie shoreward from the bulkhead line established by the United States Government, said lands are no longer necessary or useful for navigation, commerce, fisheries, or street uses: Lands not usable for navigation, etc

1. Beginning at a point on the southerly line of Sixteenth Street produced easterly at a distance 80 feet east of the intersection of the said southerly line of Sixteenth Street with the westerly line of Illinois Street, thence easterly along the said southerly line of Sixteenth Street produced easterly for a distance of 70 feet, thence southerly at right angles 400 feet, thence westerly at right angles 70 feet, thence northerly at right angles 400 feet to the point of beginning. Description

2. Beginning at a point on the northerly line of Seventeenth Street, produced easterly at a distance 80 feet east of the intersection of the said northerly line of Seventeenth Street with the westerly line of Illinois Street, and thence continuing easterly North 85° 45′ East 319.58 feet; thence South 25° 47′ West 92.41 feet; thence South 85° 45′ West 273.33 feet to a point 80 feet easterly from the westerly line of Illinois Street measured at right angles thereto; thence North 4° 15′ West 80 feet to the point of beginning.

SEC. 2. The lands described in Section 1 of this act are hereby freed of the public trust for navigation, commerce, fisheries, and street uses and the Board of State Harbor Commissioners for San Francisco Harbor hereby is authorized to sell or exchange said lands upon such terms and conditions as the board may deem proper. Authority to sell

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CHAPTER 1082

An act to add Section 18.5 to the Municipal and Justice Court Act of 1949, relating to municipal courts. Stats. 1949, p. 2681, amended

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 18.5 is added to the act cited in the title, to read:

Selection of jurors Los Angeles

Sec. 18.5. In any judicial district containing a city of the first and one-half class in which a municipal court is established and where a session of the court is held at a place more than 20 miles from the principal office of such court, a majority of the judges of the court may establish an area surrounding the place where such session is being held comprising a population of at least 10,000, from which trial jurors for such session of the court shall be selected.

CHAPTER 1083

An act to amend Sections 337b and 337c of the Penal Code, relating to bribery in connection with sporting events, contests and exhibitions and punishment therefor.

In effect September 22, 1951

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 337b of the Penal Code is amended to read:

Bribery in sporting events

337b. Any person who gives, or offers or promises to give, or attempts to give or offer, any money, bribe or thing of value, to any participant or player, or to any prospective participant or player, in any sporting event, contest or exhibition of any kind whatsoever, and specifically including but without being limited to such sporting events, contests and exhibitions as baseball, football, basketball, boxing, wrestling and horse racing, with the intention or understanding or agreement that such participant or player or such prospective participant or player shall not use his best efforts to win such sporting event, contest or exhibition, or shall so conduct himself in such sporting event, contest or exhibition that any other player, participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest or exhibition, or shall so conduct himself in such sporting event, contest or exhibition as to limit his or his team's margin of victory in such sporting event, contest or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

Penalty

SEC. 2. Section 337c of the Penal Code is amended to read:

Acceptance, etc., of bribe

337c. Any person who accepts, or attempts to accept, or offers to accept, or agrees to accept, any money, bribe or thing of value, with the intention or understanding or agreement that he will not use his best efforts to win any sporting event, contest or exhibition of any kind whatsoever, and specifically including but without being limited to, such sporting events, contests or exhibitions as baseball, football, basketball, boxing, wrestling and horse racing, in which he is playing or participating or is about to play or participate in, or will so conduct

himself in such sporting event, contest or exhibition that any other player or participant or team of players or participants shall thereby be assisted or enabled to win such sporting event, contest or exhibition, or will so conduct himself in such sporting event, contest or exhibition as to limit his or his team's margin of victory in such sporting event, contest or exhibition, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not exceeding five years, or by a fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

CHAPTER 1084

An act to add Section 19561.5 to the Business and Professions Code, relating to horse racing and authorizing the California Horse Racing Board to provide for the exclusion or ejection from the enclosures of licensed horse racing establishments of persons whose presence therein is inimical to the interests of the State or legitimate horse racing.

[Approved by Governor June 15, 1951. Filed with Secretary of State June 15, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 19561.5 is added to the Business and Professions Code, to read:

Exclusion of certain persons from horse racing establishments

19561.5. The board may, by rule, provide for the exclusion or ejection from the enclosure where horse races are licensed by the board, or from specified portions of such enclosure, of known bookmakers, known touts, persons who have been convicted of violations of any provision of this chapter or of the laws prohibiting bookmaking or other illegal forms of wagering on horse races, and other persons or classes of persons whose presence in such enclosure would, in the opinion of the board, be inimical to the interests of the State or of legitimate horse racing, or both. No such regulation shall provide for the exclusion or ejection of any person on the ground of race, color, creed, or sex. Any person who is excluded or ejected from such enclosure in conformity with such rules may apply to the board for a hearing on the question of whether such rule is applicable to him. The board shall hold such hearing at its next regular meeting after receipt of the application therefor at the office of the board which is nearest to the residence of the applicant or at such other place and time as the board and the applicant may agree upon. If, upon the hearing, the board determines that the rule does not or should not apply to the applicant it shall notify all racing associations licensed under Article 4 of this chapter of such determination. If the board determines that the exclusion or ejection of such applicant was proper it shall make and enter in its minutes an order to that effect. Such order shall be subject to review by any court of competent jurisdiction in accordance with any applicable provisions of law.

CHAPTER 1085

Stats 1935, p 1123 amended

An act to amend Section 61 of the Alcoholic Beverage Control Act, relating to the sale and purchase of alcoholic beverages.

In effect September 22, 1951

[Approved by Governor June 14, 1951. Filed with Secretary of State June 15, 1951.]

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

SECTION 1. Section 61 of the Alcoholic Beverage Control Act is amended to read:

Penalties

Sec. 61. (a) Every person who sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 years shall be guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written evidence of age which is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, shall be guilty of a misdemeanor.

(d) Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place is guilty of a misdemeanor. This subdivision shall not apply to possession by a person under the age of 21 years making a delivery of such alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

CHAPTER 1086

An act to add Article 5c (Veterans Bond Act of 1951) 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, to create 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 acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs 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; and providing that this act shall take effect

M & V C, §§984, ff

upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective said Veterans Bond Act of 1951.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 18, 1951.] In effect September 22, 1951

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

SECTION 1. Article 5c is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5c. Veterans Bond Act of 1951

996. This article may be cited as the Veterans Bond Act of 1951. Short title

996.01. 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 and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, 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. Authority to create debts

996.02. Upon the taking effect of this act, and immediately after adoption of any resolution by the Veterans' Finance Committee of 1943, provided for in Section 996.09, the State Treasurer shall arrange for the preparation of 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 fifty million dollars ($150,000,000) and shall bear interest at a rate not exceeding 5 percent 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. Bonds

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, 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. Interest coupons attached to each bond 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. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid and binding general 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 coupons, 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 or coupons. Each bond issue under this article shall contain a clause or clauses referring to this article and to the resolution of the Veterans' Finance Committee of 1943 hereunder by virtue of which said bond is issued, and if subject to call or redemption prior to maturity, shall contain a recital to that effect.

Payment, etc., of bonds

996.03. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said 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 996.04 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer, or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons 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; provided, however, new bonds may be prepared and executed in lieu of bonds canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the Veterans' Finance Committee of 1943 shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided.

General obligation of State

996.04. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. 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.

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.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the Gen-

eral Fund in the State Treasury, all of the money 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, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money 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 said bonds, compounded semiannually.

Payment, warrants, etc.

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 his duly authorized agent, upon demands audited by the Department of Finance, and the money 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 upon demands duly audited by the Department of Finance. The Department of Veterans Affairs, by resolution approved by the Veterans' Finance Committee of 1943, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

Sale to highest bidder

996.05. The bonds authorized to be issued under this article shall be sold by the State Treasurer to the highest bidder for cash, either at public sale or upon sealed bids as the Veterans' Finance Committee of 1943 may by resolution determine, in such parcels and numbers as the 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 Department of Veterans Affairs 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 shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the Treasurer 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, at such time and place as he may select. If said bonds are offered for sale upon sealed bids, then each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars ($5,000), drawn on a bank or trust company authorized to trans-

act and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the Veterans' Farm and Home Building Fund of 1943, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Interim bonds

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

Notice of sale

996.06. 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 two 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. 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

996.07. The Department of Veterans Affairs is authorized, with approval of the Department of Finance, to invest any surplus money in the Veterans' Farm and Home Building Fund of 1943 in bonds or obligations 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 obligations, or any of them, at the governing market rates, upon approval of the Department of Finance; or the Department of Veterans Affairs may, with the approval of the Director of Finance, invest money 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, the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, nothing herein contained shall inhibit the depositing in banks in accordance with Chapter 4, Part 2, Division 4, Title 2 of the Government Code, of money of any of the funds subject to the control of the Department of Veterans Affairs or appropriated for its use.

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

Determination to issue

996.08. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

Resolution Contents

996.09. Whenever the Veterans' Finance Committee of 1943 shall have determined that the sale of all or any part of the bonds authorized to be issued under this article is necessary or desirable to carry such plans into execution, in whole or in part, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The aggregate number, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this article, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided into series or divisions appropriately identified by letter or number.

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

3. The provisions, if any, for the retirement of said bonds at any time or times prior to their maturity, the manner thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, at the discretion of said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent.

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

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

Maturity

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' Farm and Home Building Fund of 1943 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, the bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

Interest

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the Veterans' Finance Committee of 1943 by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semiannually. The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of sale to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net interest cost to the State. The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables. The interest coupon first payable may, if the Veterans' Finance Committee of 1943 shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

Expenses

996.10. 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 and expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption shall be paid out of the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

Whenever the Veterans' Finance Committee of 1943 deems it advisable to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Veterans Affairs or both to obtain such a legal opinion. Payment for such legal services shall be made from the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

Accounting

996.11. The Controller, the 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.

Survey of financial condition

996.12. So long as any bonds authorized under this article may be outstanding, the Director of the Department of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of the Department of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

Effect Stats. 1951, Res. Ch. 108

SEC. 2. This act shall take effect upon the adoption by the people of the State of California of an amendment to the Constitution of the State of California approving, adopting, legalizing, ratifying, validating and making fully and completely effective the Veterans Bond Act of 1951.

CHAPTER 1087

An act to amend Section 2001 of the Government Code, relating to public officers.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 2001 of the Government Code is amended to read:

Action against public officers Defense

2001. (a) Whenever any action or proceeding, including a taxpayer's suit, is brought against any officer in his official or individual capacity, or both, of the State or of any district, county, or city

(1) On account of injuries to persons or property resulting from the dangerous or defective condition of any public property or

(2) On account of any action taken or work done by him in his official capacity, in good faith and without malice, or

(b) Whenever any action or proceeding is brought against any officer, in his official or individual capacity, or both, including officers as defined in Article 2, of the State or of any school district, county or municipality on account of injuries to persons or property, alleged to have been received as a result of

(1) The negligence or carelessness of such officer occurring during the course of his service or employment, or

(2) The dangerous or defective condition of any public property, alleged to be due to the negligence or carelessness of such officer, it is the duty of the attorney for the State, district, county, municipality, or other public or quasi-public corporation, as the case may be, to act as counsel in defense of such suit, unless provision has been made for the employment of other counsel in connection therewith.

In such event the fees, cost and expenses involved in a suit referred to in subdivisions (a) and (b) are a lawful charge against the State, school district, county or municipality, as the case may be.

CHAPTER 1088

An act to amend Section 6604 of the Labor Code, relating to workmen's safety.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 6604 of the Labor Code is amended to read:

Refusal to work in violation of safety provisions

6604. No employee shall be laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated, where such violation would create a real and apparent hazard to the employee or his fellow employees. Any employee who is laid off or discharged for refusing to perform work in the performance of which this code or any safety order of the Division of Industrial Safety will be violated and where such violation would create a real and apparent hazard to the employee or his fellow employees shall have a right of action for wages for the time such employee is without work as a result of such layoff or discharge; provided, that such employee notifies

his employer of his intention to make such claim and files a claim with the Labor Commissioner within 10 days after being laid off or discharged.

CHAPTER 1089

An act to amend Sections 680, 682, and 684 of the Probate Code, relating to family allowances from estates.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 680 of the Probate Code is amended to read:

680. The widow, widower and minor children are entitled to such reasonable allowance out of the estate as shall be necessary for their maintenance according to their circumstances, during the progress of the settlement of the estate, which, in case of an insolvent estate, must not continue longer than one year after granting letters. Such allowance must be paid in preference to all other charges, except funeral charges, expenses of the last illness and expenses of administration, and may, in the discretion of the court or judge granting it, take effect from the death of the decedent. Maintenance allowance

SEC. 2. Section 682 of the Probate Code is amended to read:

682. If the widow, widower, or any minor child has a reasonable maintenance derived from other property, and there are other persons entitled to a family allowance, the allowance shall be granted only to those who have not such maintenance. Same

SEC. 3. Section 684 of the Probate Code is amended to read:

684. No stay shall be had of payment of any family allowance, or of any installment thereof, pending appeal from an order relating thereto, even though the court, acting under the provisions of Section 946 of the Code of Civil Procedure, shall dispense with or limit the security required of an appellant, if the person in whose favor the allowance is made shall, at any time before the making of such payment, execute and file a good and sufficient written undertaking, with two or more sureties, to the effect that they are bound in double the amount of such payment or payments, and that if the judgment or order appealed from, or any part thereof, be so modified or reversed that such payment, or any part thereof, proves to be unwarranted, the same shall, unless deducted from any final or partial distribution ordered in favor of the widow, widower, or minor child for whom such allowance was awarded, be repaid and refunded into said estate, and, if not so repaid and refunded within 30 days after the trial court shall so order following such modification or reversal, judgment may be entered therefor, on motion of the personal representative of said estate, in Stay of payment prohibited

favor of the said personal representative and against the principal and sureties on such undertaking, for such amount, together with interest and costs, not exceeding the amount of such undertaking.

CHAPTER 1090

An act to amend Sections 28000, 28004, 28007, 28010, and 28014 of, and to add Section 28000½ to, the Health and Safety Code, relating to horse, mule and/or burro meat and their by-products and animal food.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 28000 of the Health and Safety Code is amended to read as follows:

28000. As used in this chapter:

Definitions

(a) Horse meat shall mean the uncooked muscle tissue of the horse and/or mule and/or burro which is skeletal, with or without the accompanying and overlying fat, and the portion of sinews, nerves and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(b) By-products of the horse and/or mule and/or burro shall mean the parts other than horse meat which has been derived from said animals, or any of them.

(c) Except where otherwise provided herein "horse meat" shall include horse meat and the by-products of the horse and/or mule and/or burro as said terms are defined in subsections (a) and (b) of this Section 28000.

SEC. 2. Section 28000½ is added to said code, to read:

Horse meat mix

28000½. It is unlawful for any person, firm, corporation or association, or any employee thereof, to sell, offer for sale or have in possession for sale as horse meat, any such meat as defined in Section 28000(a) of this chapter, mixed in any manner whatsoever with by-products as said term is defined in Section 28000(b) of this chapter.

SEC. 3. Section 28007 of said code is amended to read as follows:

Signs

28007. Uninspected horse meat shall be kept and stored in a separate unit provided for that purpose. A sign which reads "Horse meat not inspected. For animal consumption only" with letters two (2) inches high and approximately one (1) inch wide shall be conspicuously displayed so that it can readily be seen by those in the room where such horse meat is sold.

(a) Any uninspected horse meat sold shall bear a tag or label with the words "horse meat not inspected. For animal consumption only," printed thereon in red letters not less than one-half (½) inch in height. Any inspected horse meat sold shall bear a tag or label with the words "inspected horse meat,"

"U. S. Government inspected horse meat," "state inspected horse meat," or "municipally inspected horse meat," depending upon the type of inspection made of said product, with letters printed thereon not less than one-half ($\frac{1}{2}$) inch in height; provided, that the letters may be less than one-half ($\frac{1}{2}$) inch in height where the horse meat is processed, packaged, and sealed at the point of inspection and bears the label required by the inspection agency.

Denaturing, etc

(b) All uninspected horse meat when kept for sale, offered for sale, or sold shall be denatured or decharacterized so as to be readily distinguishable from an article of human food by the addition thereto of not more than one-twentieth of 1 percent of granular or crystal charcoal or in any other manner satisfactory to the State Department of Public Health.

Pet food Prohibited labels

(c) All canned dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products and packed in hermetically sealed containers shall not on their labels use any of the following terms: "packed in gravy," "packed with gravy," "horse meat loaf," and/or "horse meat stew," or any other term, phrase or statement from which it might be inferred or implied that said product is or could be used for human consumption. Each container in which dog and/or pet food manufactured from horse meat and/or horse meat by-products and/or meat and/or meat food products is packed shall have affixed thereto a label bearing the following information in addition to all other information required by law to appear thereon: (1) the name of the food, such as "Dog Food," "Cat Food," "Dog and Cat Food," "Fox Food," "Pet Food" or "Animal Food" in letters not less than one-half inch in height; (2) the word "ingredients" followed by a complete list of the ingredients of the food in the order of their predominance and by their common or usual names in letters not more than one-fourth of an inch in height. Labeling for all products referred to in this subsection shall be approved by the State Department of Public Health prior to use.

SEC. 4. Section 28010 of said code is amended to read:

Foreign horse meat

28010. All uninspected horse meat not produced in the State of California shall be decharacterized before entering the State in the manner outlined in Section 28007 (b) or in keeping with federal laws. All inspected horse meat not produced in the State of California shall be delivered to the warehouse, or distributor in the original shipping containers.

SEC. 5. Section 28014 of said code is amended to read:

Penalties

28014. Any person who, as principal or agent, employer or employee, adulterates any other meat or meat food product with horse meat, or represents horse meat to be any other meat or meat food product, shall be guilty of a felony punishable by a fine of not less than ten thousand dollars ($10,000) or by imprisonment in the state prison for not less than one year, or by both.

SEC. 6. Section 28004 of said code is amended to read:

Sale for human consumption

28004. Only inspected horse meat shall be sold or offered for sale for human consumption.

When horse meat is offered for sale for human consumption there shall be displayed prominently in connection therewith and immediately adjacent thereto a sign with letters not less than eight (8) inches in height and not less than three (3) inches in width, bearing the words "horse meat for human consumption."

CHAPTER 1091

An act to add Sections 1511.1, 2020.01, and 3080.01 to the Welfare and Institutions Code, relating to public assistance, in respect to the income of applicants or recipients.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 1511.1 is added to the Welfare and Institutions Code, to read:

Utilization of lump sum income

1511.1. Lump sum income received and available for the support of a needy child, which has accrued over a period of two or more months and may be expected to be repeated in the future, shall be utilized to meet the needs of such needy child. No portion thereof shall be considered personal property.

SEC. 2. Section 2020.01 is added to said code, to read:

Same

2020.01. Lump sum income received by a recipient which has accrued over a period of two or more months and may be expected to be repeated in the future shall be utilized by the recipient to meet his needs. No portion thereof shall be considered as personal property.

SEC. 3. Section 3080.01 is added to said code, to read:

Same

3080.01. Lump sum income received by a recipient which has accrued over a period of two or more months and may be expected to be repeated in the future shall be utilized by the recipient to meet his needs. No portion thereof shall be considered as personal property. Provisions of this section shall not apply to earned income which is exempt under Section 3084.3.

CHAPTER 1092

An act to add Section 845.1 to the Fish and Game Code, relating to nets.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 845.1 is added to the Fish and Game Code, to read:

845.1. When any net is seized pursuant to Section 845 and the owner or any other person otherwise entitled to possession of said net or nets has made bond and regained possession of said net or nets as provided under Section 845.2, the person in possession of said net, when in the judgment of the court said net is ordered forfeited, shall deliver such net to the department by removing said net from the boat and placing in a warehouse or storage designated by the department. Delivery of forfeited net

The provisions of Section 845.2 shall not apply unless the owner or any other person otherwise entitled to possession of said net or nets has made bond within three days after seizure under Section 845.

CHAPTER 1093

An act to amend Sections 5025, 5119, 5125, 5180, 5182, 5266, 5294, 5295, 5296, 5303, 5342, 5343, 5366, 5372, 5391, 5395, 6463, 8620, 8621, 8622, 8623, and 8650 of, to repeal Part 4, comprising Sections 8590 to 8596, inclusive, of Division 10 of, and to add Section 5302.5 to, the Streets and Highways Code, relating to public works and improvements.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 18, 1951.] In effect September 22, 1951

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

SECTION 1. Section 5025 of the Streets and Highways Code is amended to read:

5025. In all resolutions, notices, orders and determinations, subsequent to the resolution of intention it shall not be necessary to describe the work, and any description of the work in any of the same, subsequent to the resolution of intention and the notice of improvement, shall be sufficient, if it refers to the resolution of intention for a description of the work or improvement. Description of work by reference

SEC. 2. Section 5119 of said code is amended to read:

5119. If the assessment district includes property out of the territorial jurisdiction of the city conducting the proceeding, the legislative body of the city having jurisdiction thereover may in its discretion order by resolution entered upon its minutes, a copy of which shall be transmitted to the legislative body conducting the proceeding, that any part of the cost or expenses of the work shall be paid out of the treasury of the city. A liability for the portion of the cost set forth in the resolution shall thereby be created against the city. The street superintendent in making up the assessment as provided in Chapter 16 of this part, shall deduct from the costs and expenses, in addition to any sum or percentage payable by the city conducting the proceeding, such part thereof as has been so ordered to be paid out of the treasury of that city. Payment of costs

SEC. 3. Section 5125 of said code is amended to read:

Contributions from governmental agencies

5125. Notwithstanding any other provision in this division, the legislative body may accept and provide for contribution toward the cost and expenses of any work done under this division, from any funds made available for the purpose by any local, state or national agency or authority, and it shall not be necessary to set forth or give notice of such contribution in the resolution of intention or in any other proceedings under this division. It shall be sufficient for the legislative body, upon determining the amount of such contribution, to direct the street superintendent to deduct that amount from the total cost and expenses of the work before confirming the assessment. The amount of any such contribution shall be paid to the contractor or his assigns upon the issuance of the warrant to him.

SEC. 4. Section 5180 of said code is amended to read:

When district may be created

5180. If in the opinion of the legislative body the contemplated work is of more than local or ordinary public benefit, or if, according to the estimate furnished by the engineer, the total estimated costs and expenses thereof will exceed one-half the total assessed value of the lots or lands fronting upon the proposed work, if such lots or lands are assessed according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for city purposes, and after allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the legislative body may make the expense of such work chargeable upon a district, which the legislative body shall, in its resolution of intention, declare to be the district benefited by the work, and to be assessed to pay the cost and expense thereof. The territory comprising said district need not be contiguous.

SEC. 5. Section 5182 of said code is amended to read:

Description

5182. The assessment district need not be described in any of the notices, resolutions, orders or determinations provided for in this division, other than the resolution of intention. Any description of said district in any of the same shall be sufficient, if it refers to the resolution of intention for a description of the district.

SEC. 6. Section 5266 of said code is amended to read:

Court action by contractor

5266. Any contractor to whom a contract has been awarded may, if he believes that the proceedings are in any respect defective, erroneous or faulty and that a contract entered into or to be entered into pursuant thereto might be invalid, bring such an action at any time before the date fixed for commencing work to determine the validity of such proceedings, and of such contract.

SEC. 7. Section 5294 of said code is amended to read:

Priority of claims

5294. No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before or after a verified claim is filed pursuant to this chapter, shall take priority over such claims, and such assignment shall

have no binding force insofar as the rights of the claimants, or their assigns, are concerned. None of the provisions of Part 3, Title IV, Chapter 2, of the Code of Civil Procedure, shall be applicable to any assessment, partial assessment, reassessment, bonds, moneys or funds payable to the contractor or his assignee under this division or to any matter contained in this chapter.

SEC. 8. Section 5295 of said code is amended to read:

Bond for disputed claim

5295. If any contractor disputes the correctness or validity of any claim filed pursuant to this chapter, the city or superintendent of streets may permit the contractor to deliver to the city or superintendent of streets a bond satisfactory to said city or superintendent of streets executed by the contractor and some corporation authorized to issue surety bonds in a penal sum equal to one and one-fourth times the amount of the claim.

SEC. 9. Section 5296 of said code is amended to read:

Coverage

5296. The bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he shall recover therein. If such bond is filed, the city, any officer thereof, or superintendent of streets shall not withhold any moneys or funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from the contractor on account of the claim. The sureties upon the bond shall be jointly and severally liable to the claimant with the sureties upon the contractor's original labor and material bond posted by the contractor.

SEC. 10. Section 5302.5 is added to said code, to read:

Payment of assessment

5302.5. If the legislative body, in the resolution of intention, declares that any lot or parcel of land owned and used as provided in Section 5301 shall be included in the assessment, or if no declaration is made respecting any such lot or parcel of land then any assessment upon such lot or parcel of land, except any lot or parcel owned by the United States or any department thereof or by the State of California or any department thereof, shall be an enforceable obligation against the owner of such property and shall be paid, within 30 days after the date of recording the assessment, by the officer, officers, or board having charge of the disbursement of the funds of the owner of such lot or parcel of land and, if not paid within said 30 days, shall bear interest until paid at the rate stated in the resolution of intention for the bonds proposed to be issued, and if no bonds are proposed to be issued then at the rate of six percent (6%) per annum; provided, however, that if said assessment is not paid within said 30 day period the city shall at the expiration thereof, forthwith advance the necessary sum and pay the assessment and shall collect the amount of said assessment and interest thereon from the said obligated owner, and may enforce the collection thereof by writ of mandate or other proper remedy. If for any reason there are no moneys available for the payment of said assessment, then the officer, officers or board whose duty it is to levy taxes for said obligated owner shall include in the next tax levy an amount, in addition to moneys for all other pur-

poses, sufficient to pay the amount of said assessment and said interest thereon, and when the moneys received from said tax levy are available the amount of said assessment and such interest thereon shall be paid by the officer, officers or board having charge of the disbursement of the funds of the owner of such land to the city as reimbursement for the payment made by the city or to the owner of said assessment if the city has failed to pay said assessment.

SEC. 11. Section 5303 of said code is amended to read:

City liable for certain assessments

5303. If the legislative body, in the resolution of intention, declares that any lot or parcel of land used as provided in Section 5301 and owned by the United States or any department thereof or the State of California or any department thereof shall be included in the assessment, or if no declaration is made respecting any such lot or parcel of land, then the city shall be liable for such sum as may thereafter be assessed against such lot or parcel of land and which is unpaid after 30 days from the recordation of the assessment. Such sum shall be payable by the city out of the general fund unless the legislative body shall in its resolution of intention designate another fund.

SEC. 12. Section 5342 of said code is amended to read:

Contents of diagram

5342. The diagram shall show each separate lot or parcel of land, and the dimensions of each such lot or parcel of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district.

SEC. 13 Section 5343 of said code is amended to read:

Assessment according to benefit

5343. Immediately after its completion the diagram shall be delivered to the superintendent of streets, who shall immediately, after the contractor has fulfilled his contract to the satisfaction of the superintendent of streets or the legislative body, on appeal, proceed to estimate upon the lots or parcels of land within the assessment district, as shown by the diagram, the benefits arising from such work, and to be received by each such lot or parcel of land. He shall thereupon assess upon and against the lands in the assessment district the total amount of the costs and expenses of such work, and in so doing shall assess the total sum upon the several lots or parcels of land in the assessment district, benefited thereby, in proportion to the estimated benefits to be received by each of the said several lots or parcels of land.

SEC. 14. Section 5366 of said code is amended to read:

Appeal

5366. The owners, the contractor, or his assigns, and all other persons interested in any work done under this division, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets or engineer in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner or who claim that any portion of the work for any reason was omitted or illegally included in the contract or having or making any objection to the correctness of the assessment or diagram or other act, determination or proceedings of the superintendent of streets or engineer, shall prior to the day fixed for

the hearing upon the assessment appeal to the legislative body by briefly stating in writing the grounds of appeal. Any objection, appeal or protest not made at the time and in the manner hereinabove provided shall be deemed to be waived voluntarily by any person who might have made such appeal, protest or objection, and such person shall be deemed to have consented to the proposed assessment and any other matter on which objection, protest or appeal could be made.

SEC. 15. Section 5372 of said code is amended to read:

Recordation

5372. The warrant, diagram and assessment shall be recorded in the office of the superintendent of streets and may be recorded at any hour of the calendar day. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portion of lots assessed, respectively, and unless sooner discharged such lien shall so continue for the period of four years from the date of said recordation, or in the event bonds are issued to represent said assessment, then such lien shall continue until the expiration of four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto.

Duration of lien

SEC. 16. Section 5391 of said code is amended to read:

Statement of payments

5391. After 30 days after the date of recording the warrant the contractor, or his assigns, shall sign and file in the office of the superintendent of streets a written statement of all payments received upon the assessment. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the assessment book immediately following the record of the assessment. When payments are made to the superintendent of streets pursuant to Section 5396 of this division it shall not be necessary for the contractor or his assigns to file said written statement of payments received.

SEC. 17. Section 5395 of said code is amended to read:

Interest

5395. After the filing of the contractor's written statement of payments, all amounts remaining due on any assessment shall draw interest at the rate of 1 percent per month until paid, the interest to be computed from the thirty-first day after the recordation of the warrant.

SEC. 18. Section 6463 of said code is amended to read:

Interest rates and payments

6463. The interest shall be payable semiannually, by coupon, on the second days of January and July, respectively, of each year after their date. The bonds shall bear the date of the thirty-first day after the date of recordation of the warrant, whether or not said date falls on a Sunday or holiday. The first interest coupon shall be for interest from the date of the bonds and shall become due and payable on the second day of January next succeeding the October 15th or the second day of July next succeeding the April 15th, as the case may be, next following their date. The rate of interest shall not exceed 6 percent per annum on all sums unpaid. However, bonds issued in place of bonds issued prior to August 27, 1937, may bear interest at a rate not exceeding 10 percent per annum on all sums unpaid.

Repeal

SEC. 18 5. Part 4, comprising Sections 8590 to 8596, inclusive, of Division 10 of said code is repealed.

SEC 19. Section 8620 of said code is amended to read:

Unpaid assessments List

8620. After confirmation of the assessment by the legislative body and after the filing of the statement of payments received upon the assessment by the contractor as provided by law pursuant to which the work was done, or after 30 days from the date of the first publication of the notice of recording the assessment, if the work was done under the Street Opening Act of 1903, or after 60 days from the date of recording the assessment in the office of the superintendent of streets or district engineer, if the work was done under the Municipal Improvement Act of 1913, the street superintendent shall make and file with the treasurer a complete list of all unpaid assessments, upon the assessment.

SEC. 20. Section 8621 of said code is amended to read:

Determination

8621. The treasurer shall determine the assessments which are unpaid and the aggregate amount thereof.

SEC. 21. Section 8622 of said code is amended to read:

Denominations of bonds

8622. The treasurer shall prescribe the denominations of the bonds, which shall be in convenient amounts, not necessarily equal, and shall provide for their issuance.

SEC. 22. Section 8623 of said code is amended to read:

Delivery to contractor

8623. The bonds shall be immediately delivered to the contractor or his assigns in satisfaction of the balance due him upon his assessment and warrant, or, if the work was done under the

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Street Opening Act of 1903, the bonds shall be sold to the highest cash bidder after advertising for bids. The advertisement for bids shall be published for at least three times in a daily newspaper published and circulated in the city, or if there is no such daily newspaper, then the advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated.

SEC. 23 Section 8650 of said code is amended to read:

Bond terms

8650. The bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first 10 months after their date, until the whole is paid. The bonds shall bear interest at a rate not in excess of 6 percent per annum from the thirty-first day after recording the assessment, or from the sixty-first day after recording the assessment if the work

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was done under the Municipal Improvement Act of 1913, on all sums unpaid, until the whole of the principal sum and interest are paid. However, bonds issued in place of bonds issued prior to August 27, 1937, may bear interest at a rate not exceeding 8 percent per annum on all sums unpaid.

Interest shall be payable semiannually by coupon, on the second day of January and July, respectively, of each year. The first payment of interest shall not become due until six months before the maturity of the first series of bonds.

CHAPTER 1094

An act to amend Sections 542, 690.24 and 690.26 of the Code of Civil Procedure, relating to attachment, exemptions and supplementary proceedings.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 18, 1951.] In effect September 22, 1951

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

SECTION 1. Section 690.24 of the Code of Civil Procedure is amended to read:

690.24. One motor vehicle of a value not exceeding two hundred fifty dollars ($250). One house trailer actually occupied by debtor and his family of a value not exceeding two thousand five hundred dollars ($2,500). Motor vehicle, house trailer Exemption

SEC. 2. Section 690.26 of said code is amended to read:

690.26. If the property mentioned in Sections 690.1 to 690.25, inclusive, shall be levied upon under writ of attachment or execution the defendant or judgment debtor, in order to avail himself of his exemption rights as to such property, shall deliver a verified claim to exemption under his oath or the oath of his agent, together with a copy thereof, specifying the section or sections of this code on which he relies for his claim to exemption, and all facts necessary to support his claim to the officer making the levy and shall state therein his address within the State for the purpose of permitting service by mail upon him of the counter-affidavit and any notice of the motion herein provided. Verified claim to exemption

Such officer must release the property unless the plaintiff or the person in whose favor the writ runs within five days after written demand by such officer, which written demand shall include a copy of the claim of exemption, files a counter-affidavit alleging that the property is not exempt within the meaning of the section or sections relied upon, or if the claim to exemption be based on Sections 690.1, 690.3, 690.6, 690.8, 690.9, 690.12, 690.17, 690.18, 690.21, 690.24, alleging the value of the property claimed exempt to be in excess of the value stated by said sections, and files such counter-affidavit with the officer making the levy showing due service on the defendant or judgment debtor. If such counter-affidavit is served and filed, then on motion of either the plaintiff or the person in whose favor the writ runs or the defendant or judgment debtor shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of the claim for exemption, or the value of the property claimed exempt whether or not the value of the property determines the right to exemption. Release of property

Such hearing must be granted by the court upon motion made by either the plaintiff or the person in whose favor the writ runs, or the defendant or judgment debtor, which motion must be made within five days after service on the defendant of Hearing

the copy of the counter-affidavit left with the officer making the levy. Such hearing must be had within 10 days from the date of the making of such motion unless continued as herein provided. The party making the motion for hearing must give five days' notice of such hearing to the officer making the levy and to the other party to this exemption proceeding, which notice must specify that the hearing is for the purpose of determining the claim to exemption; provided, that no such notice need be given to the party making the motion. The court may continue the hearing beyond the 10-day period but good cause must be shown for any such continuance.

Possession

The officer making the levy in all cases shall retain physical possession of the property levied upon if it be capable of physical possession, or in the case of property not capable of physical possession, the levy shall remain in full force and effect until the determination of the claim for exemption; provided, that should the plaintiff or the person in whose favor the writ runs or the defendant or judgment debtor fail to make the motion within five (5) days after service on the defendant of a copy of the counter-affidavit left with the officer making the levy as herein provided, the officer making the levy shall thereupon forthwith release the property to the defendant and; provided, however, that no sale under execution shall be had prior to such final determination unless an order of the court hearing the claim for exemption shall so provide. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may make such other orders as may be proper under the particular circumstances of the particular case. Any orders so made by the court or judge may be modified or vacated by the court or judge granting the same, or by the court in which the proceedings are pending at any time prior to the termination of the proceedings upon such terms as may be just At the hearing had for the purpose of determining the claim to exemption, the party claiming the exemption shall have the burden of proof. The verified claim to exemption filed with the officer shall be filed by the officer with the court and shall constitute the pleading of such claimant to exemption, subject to the power of the court to permit an amendment in the interests of justice and it shall be deemed controverted by the affidavit of the plaintiff or the person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where by the Constitution such right is given, but a jury trial shall be waived in any such case in like manner as is the trial of an action No findings shall be required in a proceeding under this section At the conclusion of the hearing the court shall give judgment determining whether the claim for exemption shall be allowed or not, which judgment shall be conclusive as to the right of the plaintiff or the person in whose favor the writ runs to have such property taken and held by the officer, or to subject the property to payment or other satisfaction of his judgment In such judgment

the court may make the proper orders for the disposition of such property or the proceeds thereof.

An appeal lies from any judgment under this section; such appeal to be taken in the manner provided for appeals in the court in which the proceeding is had. Appeal

The writ of attachment or execution shall continue in force pending the determination of the proceedings, except that the sale on execution shall be continued by the officer until final judgment shall have been entered in such proceeding. A copy of any judgment so entered shall be forthwith transmitted by the clerk of the court to the officer making the levy in order to permit such officer to either release the property attached or to continue to hold it or sell it, in accordance with the provisions of the writ previously delivered to him. Such officer, unless an appeal be waived from the judgment of the court, may continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final, either before or after appeal. Duration of writ of attachment, etc

In all cases where no counter-affidavit is filed by the plaintiff or person in whose favor the writ runs, after the five-day period has expired the property claimed to be exempt by the defendant shall be released to the defendant by the officer making the levy When a verified claim for exemption is filed in accord with Section 690.11 the defendant shall be entitled to an immediate release of one-half of his earnings earned within 30 days, next preceding the date of levy or execution. Release of property

SEC. 4. Section 542 of said code is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, and a statement as to whether or not the real property is registered under the Land Title Law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows: Execution of writ

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence with any person of suitable age and discretion, found upon the property at the time service thereof is attempted and Real property

who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting, need be made as to each such continuous, unbroken tract.

Growing crops

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by recording with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

Real property held by another

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon

the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

Growing crops held by another

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when recorded, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

Personal property

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody.

Stocks or shares, etc

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, vice president or other head of the same, or the secretary, assistant secretary, cashier, assistant cashier, or any managing agent, thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

Deposit to pay expenses of taking, etc., property

5. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid the sheriff, constable or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

Debts and credits

6. Debts and credits and other personal property, not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and, if the demand as stated in the writ does not exceed three hundred dollars ($300) exclusive of interest, attorney's fees and costs, a copy of the complaint in the action from which the writ issued, and, in every case, a notice that the debts owing by him to the defendant, or the credits and other personal property

in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, however, that debts owing to the defendant by a banking corporation or association, building and loan association or title insurance company, maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, building and loan association or title insurance company, must be attached by leaving a copy of the writ and the notice with the manager or other officer of such banking corporation, or association, building and loan association or title insurance company at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association, building and loan association or title insurance company has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association, building and loan association or title insurance company if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

Real property

7. If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

Checks, drafts, etc

8. Checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, which are in the possession of and payable to the defendant or judgment debtor on demand, must be attached by taking the same into custody, and the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the

levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appear from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or to any other person, firm or corporation for delay in presentment of the same for payment.

CHAPTER 1095

An act to add Section 103.4 to the Welfare and Institutions Code, relating to absence of recipients of public assistance from the State.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 103.4 is added to the Welfare and Institutions Code, to read:

Absence from State

103.4 For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to needy blind, and aid to partially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

CHAPTER 1096

An act to add Sections 9594.2, 9594.3, 9594.4, 9594.5, 9594.6, 9594.7, 9594.75, 9594.8, and 9594.85 to the Business and Professions Code, relating to dry cleaning.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9594.2 is added to the Business and Professions Code, to read:

9594.2. The board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee. If the licensee is guilty of any act constituting a cause for disciplinary action, the board may temporarily suspend or permanently revoke any license. Investigations

SEC. 2. Section 9594.3 is added to said code, to read:

9594.3. After notice and hearing the board may by decision: Action of the board

(a) Provide for the immediate suspension of the licensee of all operations of his plant, shop, store, or dry cleaning agency for a period to be fixed by the board's decision.

(b) Permit the licensee to complete service to the public of any garments in his possession at the time of the decision, but prohibit further solicitations of dry cleaning or renovating wearing apparel, feathers, furs, hats, leather garments, fabrics or textiles.

SEC. 3. Section 9594.4 is added to said code, to read:

9594.4. After suspension of the license upon any of the grounds set forth in this article, the board may reinstate the license upon proof of compliance by the licensee with all provisions of the decision as to reinstatement or, in the absence of such decision or any provisions therein as to reinstatement, in the sound discretion of the board. Reinstatement

SEC. 4. Section 9594.5 is added to said code, to read:

9594.5. After revocation of a license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the final decision of revocation and then only on proper showing that all acts or omissions for which the license was revoked have been or will be performed in full compliance with the law or rules of the board. Same

SEC. 5. Section 9594.6 is added to said code, to read:

9594.6. The suspension or revocation of license as in this chapter provided, may also be embraced in any action otherwise proper in any court involving the licensee's performance of his legal obligations as a dry cleaner. Suspension or revocation

SEC. 6. Section 9594.7 is added to said code, to read:

9594.7. The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not Jurisdiction to proceed with investigation

deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee, or to render a decision suspending or revoking such license.

SEC. 7. Section 9594.75 is added to said code, to read:

Failure to comply

9594.75. Failure in any material respect to comply with the provisions of this chapter constitutes a cause for disciplinary action.

SEC. 8. Section 9594.8 is added to said code, to read:

Injury of another

9594.8. The commission of any wilful or fraudulent act by the licensee in the course of his business, in consequence of which another is substantially injured, constitutes a cause for disciplinary action.

SEC. 9. Section 9594.85 is added to said code, to read:

Acts of partnerships, etc

9594.85. The performance by any partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director, associate, or responsible managing employee of such partnership, corporation, firm, or association, and who participated in such prohibited act or omission.

CHAPTER 1097

An act to amend Sections 3003 and 3402 of the Welfare and Institutions Code, relating to aid to the blind.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 3003 of the Welfare and Institutions Code is amended to read:

Use of granted aid

3003. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him. All money paid to a recipient under this chapter is intended to help him meet his individual needs and is not for the benefit of any other person. Aid granted under this chapter shall not be construed as income to any person other than the blind recipient.

The State Department of Social Welfare may take all action necessary to enforce this section.

SEC. 2. Section 3402 of said code is amended to read:

Same

3402. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him. All money paid to a recipient under this chapter is intended to help him meet his individual needs and is not for the benefit of any other person. Aid granted under this chapter shall not be construed as income to any person other than the blind recipient.

The State Department of Social Welfare may take all action necessary to enforce this section.

CHAPTER 1098

An act to add Sections 31469.3, 31470.2, 31470.3, 31470.4, 31470.5, 31470.6, 31503 9, 31504.9, 31520.1, 31558, 31671.6, 31720.5, 31726 5, 31727.2, 31727.4, 31765.1, 31785, 31786, 31787, 31788, and Articles 6 8 and 7.5 to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to repeal Section 31558 and to amend Sections 31454.5, 31470, 31504, 31505, 31521, 31581, 31582, 31583, 31621, 31622, 31623, 31624, 31627, 31676.4, 31731, 31734 and 31735 of the Government Code, relating to retirement of county employees.

[Approved by Governor June 16, 1951 Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 31558 of the Government Code is repealed. Repeal

SEC. 2. Section 31454.5 of the Government Code is amended to read:

31454.5. In any county subject to the provisions of Section 31676.1 the board of supervisors may make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1 or by the adoption of Articles 6 8 and 7.5. The board of supervisors may make such additional appropriation whether recommended by the board or not and is not required to make such additional appropriation even if such additional appropriation is recommended by the board. Additional appropriation

SEC. 3. Section 31470 of the Government Code is amended to read:

31470. "Member" means any person included in the membership of the retirement association pursuant to Article 4 and includes safety members as defined in Sections 31469.3, 31470.2, and 31470.4, or any person who has elected in writing to come within the provisions of Article 9. "Member"

SEC. 4. Section 31469.3 is added to the Government Code, to read:

31469.3. "Safety member" means any person who is either: "Safety member"

(a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who, on or before December 31, 1951, elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Section 31676 1 or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Section 31470.2 or 31470.4.

SEC. 5. Section 31470.2 is added to the Government Code, to read:

Eligibility

31470.2. All sheriffs, undersheriffs, chief deputies sheriff, jailers, turnkeys, deputies sheriff, bailiffs, process servers, constables, deputies constable, motorcycle officers, heads and assistant heads of all divisions of the office of the sheriff, detectives and investigators in the office of the district attorney, marshals and all regularly appointed deputies marshals are eligible.

SEC. 6. Section 31470.3 is added to the Government Code, to read:

Same

31470.3. Clerks, bookkeepers, stenographers, and other employees who may have been appointed as deputies sheriff or deputies marshal but who do not perform the duties of any of the peace officers enumerated and honorary deputies sheriff or other persons holding appointments as deputies sheriff who receive no compensation therefor who do not regularly perform official duties and those whose principal duties clearly do not fall within the scope of active law enforcement, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement are ineligible.

SEC. 7. Section 31470.4 is added to the Government Code, to read:

Same

31470.4. All county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, fire apparatus engineers, fire prevention inspectors, forest firemen, fire patrolmen, and foremen assigned to fire suppression crews, all other personnel assigned to active fire suppression in any county forester's or county firewarden's department and all officers, engineers, and firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible.

SEC. 8. Section 31470.5 is added to the Government Code, to read:

Same

31470.5. Bookkeepers, stenographers, cooks, laborers, county fire protection district fire foremen, call firemen, and volunteer employees, honorary deputies county foresters or honorary deputies county firewardens, or voluntary firewardens holding appointment as such but receiving no compensation therefor who do not regularly perform official duties and those whose principal duties clearly do not fall within the scope of active fire suppression, even though such person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active fire suppression are ineligible.

SEC. 9. Section 31470.6 is added to the Government Code, to read:

Determination of eligibility

31470.6. In cases of doubt as to whether a person is eligible to become a safety member, the board shall decide.

SEC. 10. Section 31503.9 is added to the Government Code, to read:

Abolished pension system

31503.9. When a pension system established pursuant to either Chapter 4 or Chapter 5 is abolished by order of the board of supervisors under authority of Sections 31931 or 32231 of the Government Code, the contributions of each member of such

abolished system, with interest, shall be transferred to this retirement system as normal contributions of the member.

SEC. 11. Section 31504 of the Government Code is amended to read:

Transfer of contributions

31504. The contributions of each member of an existing retirement system superseded by this chapter, except those of members previously retired for age or disability from a system not established pursuant to either Chapter 4 or Chapter 5, shall be transferred to this retirement system. Funds transferred from a system not established pursuant to either Chapter 4 or Chapter 5 shall be credited as additional contributions of the member.

SEC. 12. Section 31504.9 is added to the Government Code, to read:

Assets of abolished pension system

31504.9. The assets and records of a pension system established under either Chapter 4 or Chapter 5 and abolished by the board of supervisors under authority of Sections 31931 or 32231 shall become the assets and records of this retirement system and pensions then in effect for all previously retired members or any retirement allowance that may become effective pursuant to the provisions of Section 31785 shall be paid by this retirement system.

SEC. 13. Section 31505 of the Government Code is amended to read:

Same

31505. The assets and records of a superseded system shall become the assets and records of this retirement system, but there shall be left to the superseded system not established pursuant to either Chapter 4 or Chapter 5, sufficient assets, according to tables adopted by the board of supervisors, to pay all retirement payments or annuities to persons who have been retired under the superseded retirement system.

SEC. 13.4. Section 31520.1 is added to the Government Code, to read:

Membership in board of retirement

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The first persons chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth and seventh members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement

system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members are three years.

SEC. 13.5. Section 31521 of the Government Code is amended to read:

Compensation

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of seven members, the fourth, fifth and sixth members, shall receive compensation at a rate of not more than fifteen dollars ($15) a meeting for not more than two meetings per month.

SEC. 14. Section 31558 is added to the Government Code, to read:

Safety members

31558. All existing members of a pension system established pursuant to either Chapter 4 or Chapter 5 and all employees eligible as safety members who at the time of entering service elected to become members of this system who, on or before December 31, 1951, elect by written notice filed with the board to become safety members, shall become safety members on January 1, 1952, and thereafter each person not over 35 years of age when entering county service, whose principal duties consist of active law enforcement or active fire suppression, as defined in Sections 31469.3, 31470.2, and 31470.4, shall become a safety member on the first day of the calendar month following the expiration of 30 days after his entrance into the service. The sheriff or undersheriff shall become a safety member on the first day of the calendar month following the expiration of 30 days after his entrance into the service, regardless of age.

SEC. 15. Section 31581 of the Government Code is amended to read:

County contribution

31581. After the date a system becomes operative the board of supervisors shall, in the preparation and adoption of the county budget, add to the appropriation for salaries and wages and include therein an appropriation determined pursuant to Sections 31453 and 31454. Until such determination the additional appropriations shall equal 23.77 percent of the total compensation provided for all safety members covered by Article 7.5 and 8.85 percent of the total compensation provided for all other employees who are members of the retirement association.

SEC 16. Section 31582 of the Government Code is amended to read:

Transfer from retirement fund

31582. The county auditor shall certify to the board of supervisors at the end of each month the total amount of compensation paid safety members of the retirement system covered by Article 7.5, and the total amount of compensation paid all other members of the retirement system, and the board of supervisors shall thereupon transfer from the appropriation to the retirement fund the percentage of this amount determined pursuant to Sections 31453 and 31454. Until such determination the amount of the transfer shall be 23.77 percent of the

total compensation of all safety members covered by Article 7.5 and 8.85 percent of the total amount of compensation of all other members.

SEC. 17. Section 31583 of the Government Code is amended to read:

31583. For the purpose of computing the total amounts of compensation of members, pursuant to Sections 31581 to 31587, inclusive, the compensation of every member not covered by either Article 7 5 or Section 31676 1 who receives in excess of seven hundred dollars ($700) per month shall be computed at seven hundred dollars ($700) per month. Compensation in excess of $700 a month

SEC. 18. Section 31621 of the Government Code is amended to read:

31621. The normal rates of contribution except for members covered by Article 6.8 shall be such as will provide an average annuity at age 60 equal to one one-hundred-twentieth of the final compensation of members not covered by Article 6.8, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system. Normal contributions

SEC. 19. Section 31622 of the Government Code is amended to read:

31622. Until revised pursuant to Sections 31453 and 31454, the rate of contribution of each member not covered by Article 6.8 is that percentage of his earnable compensation shown in the following tables according to age and sex at the time of entry into the retirement system: Rates

Age of entry into system	Percentage of contribution, Male	Percentage of contribution, Female
16	6.55	7.02
17	6.59	7.07
18	6.63	7.13
19	6.67	7.19
20	6.71	7.25
21	6.75	7.31
22	6.80	7 38
23	6.85	7.45
24	6.90	7 52
25	6.96	7 61
26	7.01	7.69
27	7.07	7.78
28	7.14	7 87
29	7.20	7.96
30	7.27	8 06
31	7.34	8 16
32	7.42	8.26
33	7.49	8.37
34	7.58	8.48
35	7 66	8.58

Age of entry into system	Percentage of contribution, Male	Percentage of contribution, Female
36	7.75	8.69
37	7.84	8.80
38	7.93	8.92
39	8.02	9.03
40	8.12	9.15
41	8.22	9.27
42	8 33	9.38.
43	8.43	9.51
44	8.54	9.63
45	8.64	9.75
46	8.75	9.88
47	8.86	10.00
48	8.97	10.13
49	9.08	10.26
50	9.20	10 39
51	9.31	10.52
52	9.42	10.65
53	9.54	10.79
54	9.65	10 93
55	9.76	11 07
56	9.88	11.21
57	10.00	11.35
58	10.12	11.49
59	10.25	11.64
60	----	----

SEC. 20. Section 31623 of the Government Code is amended to read:

Members over 64 and under 16

31623. The normal rate of contribution established for age 59 is the rate for any member not covered by Article 6.8 who has attained a greater age before entrance into the retirement system, and that established for age 16 is the rate for any member not covered by Article 6.8 who enters the retirement system at a lesser age.

SEC. 21. Section 31624 of the Government Code is amended to read:

Application of rate of contribution

31624. The rate of contribution applies only to so much of the earnable compensation of each member who is not covered either by Article 6 8 or by Section 31676.1 as does not exceed seven hundred dollars ($700) a month.

SEC. 22. Section 31627 of the Government Code is amended to read:

Additional contributions

31627. Subject to the regulations prescribed by the board, any member who is not subject to the provisions of either Article 6 8 or Section 31676.1 may elect to make additional contributions at rates in excess of his normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require the county or district to make

any additional contributions. Upon application, the board shall furnish to the member information concerning the nature and amount of additional benefits to be obtained by the additional contributions.

SEC. 23. Article 6.8 is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 6.8. Safety Members' Contributions

Application

31639. This article shall apply only in a county subject to the provisions of Section 31676 1.

Normal rates of safety members

31639.1. The normal rates of contribution of safety members shall be based on age at the nearest birthday at the time of entrance into the retirement system.

Same

31639.2. The normal rates of contribution shall be such as will provide an average annuity at age 55 equal to one one-hundredth of the final compensation of safety members, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

Rate of contribution

31639.3. Until revised pursuant to Sections 31453 and 31454, the rate of contribution of each safety member is that percentage of his earnable compensation shown in the following tables according to age at the time of entry into the retirement system:

Age	Percentage	Age	Percentage
21	7.24	29	10.02
22	7.50	30	10 52
23	7.78	31	10.15
24	8.08	32	9 80
25	8.41	33	9 45
26	8.76	34	9 11
27	9.15	35	8 77
28	9.56		

Normal rate of contribution for age of 35

31639.4. The normal rate of contribution established for age 35 is the rate for any safety member who has attained a greater age before entrance into the retirement system, and that established for age 21 is the rate for any safety member who enters the retirement system at a lesser age.

Disregard of limitations

31639.5. In any county operating under this article any limitation in Sections 31583 and 31624 or in any other provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded

SEC. 24. Article 7.5 is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 7.5. Retirement of Safety Members for Service

Application

31662 This article shall apply only in a county subject to the provisions of Section 31676 1.

Retirement of safety member

31662.2. Retirement of a safety member in a county subject to the provisions of Section 31676.1 who has met the requirements for age and service shall be made by the board pursuant to this article.

Retirement

31662.4. At the expiration of two years after a retirement system pursuant to this chapter becomes operative, or on January 1, 1954, whichever is later, every safety member except an elective officer, the sheriff and undersheriff, who has attained age 60 shall be retired forthwith. On the said date a sheriff who is a safety member, is not an elective officer, and who has attained age 70 and an undersheriff who is a safety member and who has attained age 70 shall be retired forthwith.

Same

31662.6. After January 1, 1954, or two years after a retirement system established by this chapter becomes operative, whichever is later, a safety member except an elective officer, the sheriff and undersheriff, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 60.

Same

31662.8. Every safety member holding an elective office shall be retired at the end of the first term to which he is elected which expires on a date following his seventieth birthday, except that if the term expires within two years after the date on which a retirement system becomes operative or prior to January 1, 1954, whichever is later, he shall be retired at the end of the next term to which he is elected.

Same

31663. After January 1, 1954, or two years after a retirement system established by this chapter becomes operative, whichever is later, a sheriff who is a safety member and not elective, and an undersheriff, who is a safety member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 70.

Same

31663 2. Any safety member who has reached the compulsory age of retirement or any safety member who has completed 10 years of continuous service and who has reached the age of 55 may be retired upon filing with the board a written application, setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application.

Additional pension

31664. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read:

Age at retirement	Fraction	Age at retirement	Fraction
55	1.0000	57¾	1.1538
55¼	1.0130	58	1.1692
55½	1.0259	58¼	1.1859
55¾	1.0387	58½	1.2028
56	1.0516	58¾	1.2195
56¼	1.0656	59	1.2336
56½	1.0796	59¼	1.2547
56¾	1.0937	59½	1.2730
57	1.1078	59¾	1.2915
57¼	1.1231	60	1.3099
57½	1.1384		

The fraction herein set forth at ages other than 55 shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

Increase of prior service pension

31664.1. Notwithstanding any other provisions of this chapter, a safety member who enters the system with credit for prior service and retires upon completion of 20 years of continuous service after attaining age 55, whose retirement allowance is less than one-half of his final compensation, his prior service pension shall be increased so as to cause his total retirement allowance to amount to one-half of such final compensation.

Exclusion of compensation

31664.2. When the compensation of a safety member subject to the provisions of this article is a factor in any computation to be made under this chapter, there shall be excluded from such computation, for any period of service prior to January 1, 1952, any compensation earned since the establishment of the retirement system in such county upon which compensation the member has not paid contributions into the retirement fund because of the provisions of Sections 32024 or 32322, unless prior to January 1, 1952, such member shall elect, by written notice filed with the board to pay into the retirement fund, by lump sum payment or by pay roll deduction over a period not exceeding 120 months and prior to the effective date of his retirement, and thereafter pays into the retirement fund within the period specified, (1) such additional amount as he would have contributed as a part of his normal contributions, assuming the entire compensation earnable by him was subject to normal contributions during the entire period of his membership in the system since its establishment in such county; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any accumulated contributions with which he is entitled to be credited.

Inclusion of entire compensation

The entire compensation of a member shall be included in any computation to be made under this article for any period

of county service on and after January 1, 1952, but if such election is not made or such amounts are not paid, there shall be excluded from the total payments made as current service pension, prior service pension and service retirement annuity, twice the actuarial equivalent at the time of retirement of such amounts plus regular interest thereon. If a member subject to the provisions of this article makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this chapter for the entire period of service with which he is entitled to be credited at retirement.

Prior service credit Limitation

31664.3. A safety member shall receive no credit for prior service subsequent to June 30, 1921, and prior to January 1, 1938, in calculating a retirement allowance pursuant to this article unless prior to January 1, 1952, he files with the board his written election to pay into the retirement fund six dollars ($6) for each month of prior service for which he claims credit. If a safety member files an election pursuant to this section and has accumulated contributions to his credit as of December 31, 1937, which with interest to December 31, 1951, are less than payments due for prior service credit subsequent to June 30, 1921, the amount due or balance thereof shall be paid by additional salary deductions in the amounts specified by the member but in no case less than six dollars ($6) per month. The total amount due shall be paid prior to the effective date of his retirement. If the accumulated contributions with interest exceed the amount due for prior service credit the balance shall be refunded.

Former members of system

31664.4. Any person who elects to become a safety member who was a former member of the retirement system established pursuant to Chapter 5 shall have his contributions to the retirement association for membership service prior to January 1, 1952, calculated by the same rates as those applicable to a member of the retirement system established pursuant to Chapter 4.

SEC. 25. Section 31671.6 is added to the Government Code, to read:

Retirement of elective officers

31671.6. In any county subject to the provisions of Section 31676.1 every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his seventieth birthday.

SEC. 26. Section 31676.4 of the Government Code is amended to read:

Application to one not electing to become a safety member

31676.4. If a member in a system established pursuant to either Chapter 4 or Chapter 5 who will become a member of a retirement system subject to the provisions of Section 31676.1 who does not elect to become a safety member, or any person already a member of such a retirement system who prior to January 1, 1952, files a written election with the board not to come under Section 31676.1, then Sections 31676.1, 31676.2, 31676 3, 31676.5, 31676.6 and this section shall not apply to such member and he shall be entitled upon retirement to his service

retirement annuity, his current service pension and his prior service pension, if any, as if this section and Sections 31676.1, 31676.2, 31676.3, 31676.5, and 31676.6 had not been added to this chapter.

SEC. 27. Section 31720.5 is added to the Government Code, to read:

31720.5. If a safety member who has completed 15 years or more of service under a pension system established pursuant to Chapter 4 or under a pension system established pursuant to Chapter 5 or both or under this retirement system and develops heart trouble, it shall be presumed in any proceeding under this chapter, by the board and the court in the absence of evidence to the contrary, that such heart trouble is an injury or disease occurring in and arising out of his employment. Heart trouble

SEC. 28. Section 31726.5 is added to the Government Code, to read:

31726.5. Upon retirement for nonservice-connected disability a safety member who has attained age 55 shall receive his service retirement allowance. Every safety member under age 55 who is retired for disability shall receive a disability retirement allowance which shall consist of: Nonservice-connected disability

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, wilful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district

SEC. 29. Section 31727.2 is added to the Government Code, to read:

31727.2. The nonservice-connected disability retirement pension for a safety member 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: Same

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceeds one-fourth of his final compensation.

(b) If the disability retirement allowance computed under (a) does not exceed one-fourth of his final compensation, 90 percent of one-fiftieth 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 55, but in such case the retirement allowance shall not exceed one-fourth of his final compensation.

SEC. 30. Section 31727.4 is added to the Government Code, to read:

31727.4. Upon retirement of a safety member for service-connected disability, he shall receive an annual retirement allowance payable in monthly installments, equal to one-half of his final compensation Notwithstanding any other provisions of this chapter, a safety member upon retirement for service-con- Service-connected disability

nected disability shall receive a current service pension or a current service pension combined with a prior service pension purchased by the contributions of the county or district sufficient which when added to the service retirement annuity will equal one-half of his final compensation, or, if qualified for a service retirement, he shall receive his service retirement allowance if such allowance is greater but in no event shall it exceed the limitation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read.

SEC. 31. Section 31731 of the Government Code is amended to read:

Refusal to submit to examination

31731. If any disability beneficiary under age 55 refuses to submit to medical examination, his pension shall be discontinued until his withdrawal of such refusal, and if his refusal continues for one year, his retirement allowance shall be canceled.

SEC. 32. Section 31734 of the Government Code is amended to read:

Re-employment

31734. If a disability beneficiary, prior to attaining age 55, engages in a gainful occupation not in the county service or if he re-enters the county service in a capacity ineligible for membership in the retirement system, the board shall reduce the amount of his retirement allowance to an amount which, when added to the compensation earned by him in such occupation, does not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. If the earning capacity of the beneficiary is further altered, the board may alter his retirement allowance to an amount which does not exceed the amount upon which he was originally retired, but which, subject to such limitation, equals, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When such a disability beneficiary reaches age 55, his retirement allowance shall be made equal to the amount upon which he was originally retired and shall not again be modified for any cause

SEC. 33. Section 31735 of the Government Code is amended to read:

Statement of member

31735. As a condition of receiving his retirement allowance, each disability beneficiary under age 55 shall file with the board a written statement in a form prescribed by it, that he has not during the preceding month engaged in any gainful occupation except as stated The statement may be in the form of an endorsement on the warrant delivered to the beneficiary in payment of the allowance. If the statement discloses that he has received compensation from a gainful occupation in an amount and from a source which requires a reduction of his retirement allowance, the deduction shall be made from the next allowance.

SEC. 35. Section 31765.1 is added to the Government Code, to read:

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1, eligible for retirement pursuant to Article 7.5 or 8, who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which she or he would be entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11. Surviving spouse

SEC. 36. Section 31785 is added to the Government Code, to read:

31785. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1 who has been retired for service or for nonservice connected disability pursuant to Section 7.5 or 8, 60 percent of his retirement allowance as it was at his death, shall be continued to his surviving spouse throughout life. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the safety member at least one year prior to the date of his retirement. Death of a member

Any qualified surviving spouse or children of a member of a pension system established pursuant to either Chapter 4 or Chapter 5, who shall have been retired on or before December 31, 1951, shall be paid a retirement allowance pursuant to the provisions of this section. In cases where the death of the member occurred prior to January 1, 1952, the payment of the retirement allowance to the qualified surviving spouse, or children shall be made effective on January 1, 1952.

SEC. 37. Section 31786 is added to the Government Code, to read:

31786 Upon the death of a safety member after retirement for service-connected disability, his retirement allowance as it was at his death, shall be continued to his surviving spouse throughout life. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased safety member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviv- Death of a safety member

ing spouse unless she or he was married to the safety member prior to the date of his retirement.

SEC. 38. Section 31787 is added to the Government Code, to read:

Death as result of injury arising out of, etc., employment

31787. In addition to the death benefit provided for in Section 31781, if such member was a safety member survived by a spouse or unmarried child under the age of 18 years, and such death was the result of injury or disease arising out of and in the course of his employment there shall be added an amount sufficient when added to the amount of the death benefit under Section 31781 to provide when applied according to the tables adopted by the board, a monthly death allowance, equal to one-half his final compensation, payable to the surviving spouse to whom she or he was married prior to sustaining the injury or disease resulting in death until she or he dies or remarries; or, if there is no qualified surviving spouse, or, if the surviving spouse dies or remarries before all children of the deceased safety member attains age 18, to his children under age 18 collectively until every child dies, marries or attains age 18.

The death benefit provided for by this section shall be known as "the special death benefit."

SEC. 39. Section 31788 is added to the Government Code, to read:

Remarriage of surviving spouse, etc

31788. If the payment of the special death benefit is stopped because of remarriage of the surviving spouse or attainment of the age of 18 years by a child or children, before the sum of the monthly payments made equals the death benefit provided for under Section 31781, a lump sum equal to the difference shall be paid the remarried surviving spouse, or if there is no such surviving spouse, to the surviving children of the deceased safety member, share and share alike.

CHAPTER 1099

An act to amend Section 6660.5 of the Welfare and Institutions Code, relating to the safekeeping of the property of patients of the Department of Mental Hygiene.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 6660.5 of the Welfare and Institutions Code is amended to read:

Safekeeping property of patients

6660.5. Whenever it appears that a person who has been admitted to a state institution and remains under the jurisdiction of the Department of Mental Hygiene does not have a guardian and owns personal property which requires safekeeping for the benefit of the patient, the Department of Mental Hygiene may remove or cause to be removed such personal property from wherever located to a place of safekeeping.

Whenever it appears that such patient does not own property of a value which would warrant guardianship proceedings,

the expenses of such removal and safekeeping shall be paid from funds appropriated for the support of the institution of which the patient is an inmate; provided, however, that if the sum on deposit to the credit of such patient in the patients' personal deposit fund exceeds the sum of three hundred dollars ($300), the excess may be applied to the payment of such expenses of removal and safekeeping.

When it is determined by the superintendent at any time after the removal for safekeeping of such personal property, that the patient is incurably insane or is likely to remain in a state institution indefinitely, then any of those articles of personal property which cannot be used by the patient at the institution may be sold at public auction and the proceeds therefrom shall first be applied in reimbursement of the expenses so incurred and the balance shall be deposited to the patient's credit in the patients' personal deposit fund. All moneys so received as reimbursement shall be deposited in the State Treasury in augmentation of the appropriation from which the expenses were paid.

CHAPTER 1100

An act to amend Section 5053 of the Business and Professions Code, relating to the State Board of Accountancy.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.] In effect September 22, 1951

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

SECTION 1. Section 5053 of the Business and Professions Code is amended to read:

5053. All money in the Accountancy Fund is hereby appropriated to the State Board of Accountancy to carry out the provisions of this chapter. Each member of the board and each member of a committee shall receive all transportation expenses and in addition thereto the sum of twenty-five dollars ($25) for each day of attendance at meetings of the board or committee, the latter in lieu of all other necessary expenses. Appropriation

CHAPTER 1101

An act to add Chapter 3.4 consisting of Sections 6605 to 6605.6 to Part 4 of Division 6 of the Welfare and Institutions Code, relating to temporary admission to state hospitals of persons who are believed to be mentally ill and providing for their release within ninety (90) days after admission.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.] In effect September 22, 1951

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

SECTION 1. Chapter 3.4 is added to Part 4 of Division 6 of the Welfare and Institutions Code, to read:

CHAPTER 3.4. TEMPORARY ADMISSION

Temporary admission

6605. The superintendent of a state hospital may admit to the hospital for a period not to exceed ninety (90) days for observation, care or treatment, any person who is believed to be mentally ill and who does not object to such admission or for whom no such objection is made by a member of his family, relative, or friend, upon

(a) The written application made on behalf of the person by a member of his family, relative, friend with whom he resides or guardian of the person, a health or welfare officer of the community, or the head of a hospital, sanitarium or other institution in which the person may be, and accompanied by

(b) The certificates of two physicians that they have examined such person and believe him to be mentally ill and in need of observation, care or treatment, and because of his illness lacks sufficient insight or capacity to make responsible application himself. Each such physician shall be duly licensed in this State and not related to the person by blood or marriage. Each such certificate shall show that such person was examined by the physician not more than ten (10) days prior to the presentation of the application and certificates to the superintendent.

Release

6605.1. At any time after such person has been admitted to the state hospital, he, or anyone on his behalf, may give notice in writing to the superintendent of his desire to leave the hospital. Such person shall be discharged within fifteen (15) days after receipt of the notice unless the superintendent is of the opinion that the person is mentally ill and in need of further care, treatment or supervision. In such event the superintendent shall forthwith in writing inform the patient, and the person who gave the notice or who made the written application on behalf of the patient, of such opinion and of the proceedings to follow, and shall retain the patient in the hospital during such fifteen (15) day period.

The superintendent may within such fifteen (15) days release the patient on leave of absence if the patient makes written request for the same and if such leave will benefit the patient in the opinion of the superintendent, otherwise he shall within such fifteen (15) days file, in the superior court of the county from which the application was made, the following:

(a) A true copy of the notice of desire to leave the hospital.

(b) A true copy of the application for admission to the hospital.

(c) A true copy of the physician's certificate which accompanied the application.

(d) A report and diagnosis setting forth the opinion of the superintendent concerning the mental condition of the patient.

6605.2 The documents specified in Section 6605.1 shall, upon being filed in court, have the force and effect of a verified petition and of a demand for court hearing under the provisions of Article 3 of Chapter 1 of Part 1 of Division 6 of this code, and proceedings thereon shall be had as provided in that chapter. In such proceedings, however, the court may dispense with the observation period provided for therein, and may accept the report and diagnosis of the superintendent and medical staff of the state hospital in lieu of the appointment, certificates, and testimony of medical examiners. In addition to the notices of time and place of the hearing given to the person or his representative and a relative or friend pursuant to Section 5050.9, the clerk of the court shall give notice of the time and place of the hearing to the superintendent of the hospital in which the person is confined, by registered mail or otherwise. Hearing

Pending the hearing, the person shall be detained in the state hospital to which he was admitted. The superintendent shall cause the person to be delivered by employees of the hospital to the court for the hearing.

If, after hearing, the court commits the person to the Department of Mental Hygiene for placement in a state hospital, the person shall be delivered by state hospital employees to the hospital designated by the court.

6605.3. At any time after such person has been admitted to a state hospital the superintendent may discharge him, or may release him on leave of absence with the patient's written consent, whenever the patient is no longer in need of observation, care or treatment in the hospital. Except as expressly otherwise provided in this article, a person admitted under this article shall be entitled to the same rights and care, shall be subject to the same rules and regulations of the hospital, and the liability for his support shall be the same, as if such person had been duly committed by a court of competent jurisdiction. Discharge

6605.4. At the expiration of ninety (90) days following a person's admission under this article, the superintendent shall discharge him from the hospital if the person has not previously been discharged or released, unless the patient is mentally ill and in need of further hospital care and treatment in the opinion of the superintendent. In such event he shall forthwith give written notice of such opinion and of the proceedings to follow to the patient, to the person who made the application for admission, and to the known spouse, parents or children of the patient residing in this State, and shall retain the patient in the hospital for not more than fifteen (15) additional days. If no relative, friend or other person takes steps in behalf of the patient within the fifteen (15) days, either to care for the person on leave of absence with the person's written consent, or to have him otherwise admitted to a suitable hospital in accordance with law, the superintendent shall file in the superior court of the county from which the application was made the documents specified in Section 6605.1. Thereafter the Further care

proceedings in court and pending the court hearing shall be in accordance with the provisions of Section 6605 2.

A person who is released under this article on leave of absence from a state hospital shall not be returned to the hospital without his consent If such person becomes in need of further hospital care or treatment steps may be taken in his behalf to have him otherwise admitted to a suitable hospital in accordance with law.

Documents, etc

6605.5. The Department of Mental Hygiene shall prescribe and publish instructions, forms of application, physician's certificates, notices and other documents necessary for the proper execution of this article, and may furnish them to the health and welfare officers of the several cities and counties of the State, and to any organization, institution, physician or person requiring them. The Director of Mental Hygiene shall require reports from the state hospital superintendents concerning persons admitted under this article at such times and in such form as he deems advisable.

Habeas corpus

6605.6. Nothing in this article limits the right of any person admitted to a state hospital pursuant to this article to a writ of habeas corpus upon a proper application made at any time by such person or a relative or friend on his behalf.

CHAPTER 1102

An act to add Section 171c to the Civil Code, relating to the management and control of community property.

In effect September 22, 1951

[Approved by Governor June 16, 1951 Filed with Secretary of State June 18, 1951]

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

SECTION 1. Section 171c is added to the Civil Code, to read:

Control of community property

171c. Notwithstanding the provisions of Section 161a and 172 of this code, and subject to the provisions of Sections 164 and 169 of this code, the wife has the management, control and disposition, other than testamentary except as otherwise permitted by law, of community property money earned by her, or community property money damages received by her for personal injuries suffered by her, until it is commingled with other community property, except that the husband shall have management, control, and disposition of such money damages to the extent necessary to pay for expenses incurred by reason of the wife's personal injuries.

During such time as the wife may have the management, control and disposition of such money, as herein provided, she may not make a gift thereof, or dispose of the same without a valuable consideration, without the written consent of the husband.

This section shall not be construed as making such money the separate property of the wife, nor as changing the respective interests of the husband and wife in such money, as defined in Section 161a of this code.

CHAPTER 1103

An act to amend Section 2468 of the Civil Code, relating to the use of fictitious names by persons and partnerships transacting business.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 2468 of the Civil Code is amended to read:

2468. The certificate filed with the clerk as provided in Section 2466 must be signed by the person therein referred to, or by the partners, as the case may be, and acknowledged before some officer, authorized to take the acknowledgment of conveyances of real property, by personally appearing before such officer, notwithstanding the provisions of Section 1195 of the Civil Code. Where a business is hereafter commenced by a person under a fictitious name or a partnership is hereafter formed, the certificate must be filed and the publication designated in that section must be made within one month after the commencement of such business, or after the formation of the partnership, or within one month from the time designated in the agreement of its members for the commencement of the partnership. Where the business has been heretofore conducted under a fictitious name or where the partnership has been heretofore formed, the certificate must be filed and the publication made within six months after the passage of this act. No person doing business under a fictitious name, or his assignee or assignees, nor any persons doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts made, or transactions had, under such fictitious name, or in their partnership name, in any court of this State until the certificate has been filed and the publication has been made as herein required.

Fictitious names

CHAPTER 1104

An act to add Section 6515.5 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6515.5 is added to the Health and Safety Code, to read:

Bids

6515.5. If the total cost of any work exceeds two thousand five hundred dollars ($2,500), the district shall publish a notice requesting bids therefor by publication for once a week for two consecutive weeks in a newspaper of general circulation in the county in which the district is located and award the contract to the lowest responsible bidder. The notice shall state the time and place for receiving and opening of sealed bids and describe in general terms the work to be done.

If more than one bid is received, the board shall award a contract, as specified in the notice requesting bids, to the lowest responsible bidder. If only one bid is received, the board may either accept the bid or reject it and enter into a contract as provided in Section 6515 or order the work done by day's work. If no bids are received, the board may either enter into a contract as provided in Section 6515 or order the work done by day's work.

This section shall have no application where the work is done pursuant to those acts set forth in Sections 6541 and 6541.5 of this code.

Any contract to which this section applies that is not let pursuant to this section is void.

CHAPTER 1105

An act to renumber and amend Section 261b of the Code of Civil Procedure as added by Chapter 1039 of the Statutes of 1943, and to add Section 260 to said code, relating to court commissioners.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 18, 1951.]

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

SECTION 1. Section 260 is added to the Code of Civil Procedure, to read:

Court commissioners' salary

260. In any county or city and county where court commissioners may be appointed pursuant to Section 258, except where provision is made elsewhere in the law for their salaries, such commissioners when appointed shall receive a salary as provided in this section. Such commissioners are of two grades, grade 1 and grade 2. Commissioners, grade 1, shall receive an annual salary of six thousand dollars ($6,000) a year. Commissioners, grade 2, shall receive an annual salary of five thousand one hundred dollars ($5,100). The superior court at the time of appointment shall designate the grade of the commissioner. Commissioners, grade 1, are those commissioners who have performed the duties of a court commissioner or of a clerk of superior court judges or have had equivalent experience for a period of at least five years, and who have been approved by the court for appointment to grade 1. All other commissioners are grade 2. The salary of a commissioner shall be paid in monthly installments out of the salary fund of the county, or

city and county, or if there is no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against the county or city and county are required by law to be allowed and audited.

SEC. 2. Section 261b of the Code of Civil Procedure as added by Chapter 1039 of the Statutes of 1943 is renumbered 261bb and amended to read:

261bb. The court commissioners as provided for in Sections 258 and 261 shall be allowed actual traveling expenses incurred in the performance of their duties, such expenses to be audited, allowed, and paid out of the general fund of the county. Traveling expenses

CHAPTER 1106

An act to add Section 360.5 to the Code of Civil Procedure, relating to statutes of limitations.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 360.5 is added to the Code of Civil Procedure, to read:

360.5. No acknowledgment, promise or any form of waiver shall bar a defense to any action that the action was not commenced within the time limited by this title unless the acknowledgment, promise or any form of waiver is in writing and signed by the person obligated. No such acknowledgment, promise or any form of waiver executed prior or subsequent to the expiration of the time limited for commencement of the action by this title shall be effective for a period exceeding four years from the date of expiration of the time limited for commencement of the action by this title, but such waiver may be renewed for a further period of not exceeding four years upon the expiration of the immediately preceding waiver. Such waivers may be made successively. Waiver of statute of limitations

CHAPTER 1107

An act providing for the constitution of the municipal court in a district embracing the City of Vallejo, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.] In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the City of Vallejo shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as herein provided. Vallejo municipal court, salaries

(1) There shall be one judge who shall receive ten thousand dollars ($10,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive three thousand eight hundred forty dollars ($3,840) per annum, payable in equal monthly installments, and who may appoint the following:

Two deputy clerks, each of whom shall receive two hundred thirty-one dollars ($231) monthly;

One deputy clerk who shall receive one hundred ninety-five dollars ($195) monthly;

(3) There shall be one marshal who shall receive three thousand eight hundred forty dollars ($3,840) per annum, payable in equal monthly installments, and who may appoint the following:

One deputy marshal who shall receive two hundred fifty-eight dollars ($258) monthly;

Three deputies (custodians) at the fee allowed by law for keeping property.

CHAPTER 1108

An act to amend Section 1015.5 of the Fish and Game Code, relating to fish, and providing for a privilege tax in relation thereto to take effect immediately.

In effect immediately

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 1015.5 of the Fish and Game Code is amended to read:

Sardine tax

1015.5. Every person operating under a license as provided in this article shall, in addition to the license fee and to the tax provided in Section 1015, pay a privilege tax of two and one-half cents ($0.02½) for each hundred pounds or fraction thereof of sardines purchased, received or taken by him from the effective date of this act until December 31, 1955.

Said privilege tax shall be paid to the department at the same time and in the same manner as other privilege taxes provided in this article. From the money received therefrom a sum equal to 2½ percent thereof shall be paid into the Fish and Game Preservation Fund and upon executive order of the Director of Finance shall be available for support of the department.

The remainder of the money so collected shall be paid into the Fish and Game Preservation Fund. Money so deposited in the Fish and Game Preservation Fund shall be disbursed at the direction of a majority of the Marine Research Committee solely for the purpose of financing research in the development of commercial fisheries of the Pacific Ocean and of marine products susceptible to being made available to the people of California. No research project shall be authorized except by a majority of the committee. The committee may employ such

technical and clerical assistants as may be necessary to carry out such research and may contract with any person or agency, public or private, including the Regents of the University of California, for the carrying on of such research projects.

SEC. 2. Nothing contained in this act shall be construed to affect the collection of taxes levied or collectible under the provisions of Section 1015.5 of the Fish and Game Code prior to the effective date of this act, and such taxes shall remain fully collectible. Construction

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

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CHAPTER 1109

An act to amend Section 1241 of the Civil Code, relating to homesteads.

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1241 of the Civil Code is amended to read:

1241. The homestead is subject to execution or forced sale in satisfaction of judgments obtained: Homesteads Execution, forced sale, etc

1. Before the declaration of homestead was filed for record, and which constitute liens upon the premises.

2. On debts secured by mechanics, contractors, subcontractors, artisans, architects, builders, laborers of every class, materialmen's or vendors' liens upon the premises.

3. On debts secured by encumbrances on the premises executed and acknowledged by husband and wife, or by an unmarried claimant.

4. On debts secured by encumbrances on the premises, executed and recorded before the declaration of homestead was filed for record.

CHAPTER 1110

An act to repeal an act entitled "An act to authorize the sale of a part of the property used by the Sonoma State Home and to provide for the disposition of the proceeds from such sale," approved July 15, 1949 (Chapter 904 of the Statutes of 1949).

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.] In effect September 22, 1951

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

SECTION 1. Chapter 904 of the Statutes of 1949 is repealed. Repeal

CHAPTER 1111

An act to amend Section 745.2 of the Agricultural Code, relating to the California Dairy Industry Board.

In effect September 22, 1951

[Approved by Governor June 16, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 745.2 of the Agricultural Code is amended to read:

Research, etc.

745.2. It shall be the duty of the director to conduct one or more campaigns of research, advertising, publicity, and education designed to accomplish the following purposes, among others:

To increase the consumption of dairy products; to gather, publicize, and diffuse accurate and scientific information showing the importance of the use and consumption of milk, cream, and other dairy products in relation to the public health, economy, and diet, and proper nutrition of children and adults; to study means and methods employed in producing, processing, manufacturing, marketing, and distributing dairy products in order to comply with the sanitary and other regulations imposed by municipalities, State and Nation; to gather and disseminate information regarding the high standards observed and imposed to insure pure and wholesome dairy products and the harmful effects on the public health resulting from and breakdown or instability of the dairy industry, the factors and conditions peculiar to the dairy industry which tend to cause an unbalanced production, the price of milk, cream, and other dairy products in relation to the cost of other items of food in a balanced diet, and the factors which tend to promote increased consumption of dairy products, stabilize the industry, and foster a better understanding and more efficient cooperation among producers, persons engaged in the handling, processing, and marketing of dairy products, and the consuming public.

In each fiscal year to and including the fiscal year ending June 30, 1952, the sum of at least fifty thousand dollars ($50,000) of the money received under this chapter shall be expended or allocated for research in the discovery and development of uses for milk, milk products, and by-products of milk. The dean of the College of Agriculture of the University of California and the board shall cooperate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said College of Agriculture, but if the dean of said college and the board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by such other research agency.

On and after July 1, 1952, the board shall select the research project or projects to be carried on from time to time.

Insofar as practicable such projects shall be carried out by the College of Agriculture of the University of California, pursuant to contract entered into between the Regents of the University and the director, but if the board determines that the college has no facilities for a particular project or that some other recognized research agency has better facilities therefor, the project may be carried out by such other research agency, pursuant to contract with the board.

No advertising or sales promotion program conducted or sponsored by the director shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this State, nor shall any such program be conducted with reference to a brand or trade name.

CHAPTER 1112

An act to add Section 225q to the Civil Code, relating to the adoption of children.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 225q is added to the Civil Code, to read:

Costs of adoption programs

225q. The cost of administering the adoption programs undertaken by a county under license issued pursuant to Section 225m of the Civil Code shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration. The portion of the cost of care of children relinquished for adoption under license granted to the county by the State Department of Social Welfare from the time of relinquishment or action in lieu thereof until placement, which is not met from fees collected pursuant to Section 225p of the Civil Code, shall be borne by the State; provided, that the amount payable to any county on any claim for such care shall not exceed two hundred dollars ($200) on the average per child, and that no reimbursement shall be made for the cost of care of any child for whose care the county has previously claimed reimbursement, regardless of the length of time the county has provided care for the child.

Claims for reimbursement of the expenses incurred shall be filed with the department at the time and in the manner specified by the department and the claims shall be subject to audit by the Department of Social Welfare. All such claims shall be payable from the proper appropriation or appropriations made for the fiscal year in which the claims are filed, regardless of the time at which the expenses upon which the claims are based are incurred by the counties. The State Department of Social Welfare shall adopt such rules as may be necessary to

determine the cost of administration and of care and to provide for the presentation, allowance, and payment of such claims.

If any grants-in-aid are made by the Federal Government for the cost of administering an adoption program or for the cost of care of children relinquished for adoption, the amount of the federal grant shall first be applied to defer the cost of administration or of care and the remainder of the cost, if any, shall be borne by the State.

CHAPTER 1113

Stats 1945, p 1053

An act to amend Section 7 of an act entitled "An act relating to the construction, installation, equipping, stocking, and operation of vending stands in public buildings of the State counties, cities and counties, and cities, and providing for their operation by licensed blind persons," approved May 29, 1945, relating to vending stands in public educational institutions.

In effect September 22, 1951

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 7 of the act cited in the title hereof is amended to read:

Vending machines in educational institutions

Sec. 7. The provisions of this act shall not apply to, nor shall they be construed as authorizing the installation of vending stands in, any building wholly used by any educational institution of any type supported in whole or in part from public funds unless such educational institution is of university or college or junior college grade.

CHAPTER 1114

An act to amend Sections 26726, 26730, 26732, 26735, 26736, 26738, 26741, and 27826 of the Government Code, relating to fees.

In effect September 22, 1951

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 26726 of the Government Code is amended to read:

Fees. Caring for property under attachment

26726. The fee for keeping and caring for property under attachment, execution, or claim and delivery is not to exceed eight dollars ($8) when necessarily employed for any eight (8) hour period or any part thereof. Should an additional keeper or keepers be required during such eight (8) hour period or fraction thereof, the fee for such additional keeper or keepers shall be the same as herein fixed, but, in no event shall any one keeper receive more than sixteen dollars ($16) during any twenty-four (24) hour period when so employed.

SEC. 2. Section 26730 of said code is amended to read:

26730. The fee for conducting and postponing the sale of real and personal property as required by law or the litigant is one dollar and fifty cents ($1.50) and mileage. Conducting, etc., sale of property

SEC. 3. Section 26732 of said code is amended to read:

26732. The fee for publication of a notice in a newspaper is the reasonable cost of the publication. Publication of notice

SEC. 4. Section 26735 of said code is amended to read:

26735. The fee for serving and filing notices of attachment of the interest of a defendant in the estate of a decedent is one dollar and fifty cents ($1.50) for serving the personal representative of the decedent, and one dollar and fifty cents ($1.50) for filing a copy of the writ of attachment and notice with the county clerk. Serving and filing of notices

SEC. 5. Section 26736 of said code is amended to read:

26736. The fee for making a demand for payment on execution or the delivery of property is one dollar and fifty cents ($1.50) and mileage. Demand for payment

SEC. 6. Section 26738 of said code is amended to read:

26738. The fee for making a not found return on a summons, affidavit and order, order for appearance, subpena, writ of attachment, writ of execution, or order for the delivery of personal property is one dollar and fifty cents ($1.50) and mileage. Mileage for one trip only shall be allowed. Not found return

SEC. 7. Section 26741 of said code is amended to read:

26741. The fee for executing and delivering a certificate of sale is one dollar and fifty cents ($1.50). Delivering certificate of sale

SEC. 8. Section 27826 of said code is amended to read:

27826. For each mile traveled out of his county, both going to and returning from the place of arrest, a constable shall charge fifteen cents ($0.15). For traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or the transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged. Mileage rate

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CHAPTER 1115

An act to amend Sections 6726 and 7012.5 of the Welfare and Institutions Code and to amend and renumber Section 5701.5 thereof to be Section 6726.5, relating to private family care homes and the support of mental patients therein, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.] 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:

Paroled patients

6726. The superintendent of a state hospital or state home may grant a parole or leave of absence to a patient under general conditions prescribed by the Department of Mental Hygiene.

The department may pay at a monthly rate any private home, certified by the department, for any patient paroled or on leave of absence from a state hospital during the time such patient is cared for at such private home at a rate not exceeding seventy dollars ($70) per month for each such patient. Payments for such care of paroled or on leave of absence patients shall be made from funds available to the department for that purpose or for the support of patients in the state hospital or hospitals from which such patients have been paroled or are on leave of absence.

SEC. 2. Section 7012.5 of said code is amended to read:

Same Support

7012.5. The Department of Mental Hygiene may pay at a monthly rate any private home, certified by the department, for any patient paroled or on leave of absence from a state home for the mentally deficient during the time such patient is cared for at such private home at a rate not exceeding seventy dollars ($70) per month for each such patient. Payments for such care of paroled or on leave of absence patients shall be made from funds available to the department for that purpose or 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.

SEC. 3. Section 5701.5 of said code is renumbered and amended to read:

Certificates for homes

6726.5. The department may grant certificates to private homes for family care of patients paroled or on leave of absence from state hospitals and state homes. Such certificates shall be granted without payment of fees. Each such home may care for not more than six (6) patients and shall be regulated by standards established by the department for the care of such patients.

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:

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 the increased population of this State requires the commitment to state institutions of additional patients whose mental condition justifies their need for medical care and treatment for their benefit and that of 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 current actual costs. 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.

CHAPTER 1116

An act to amend Section 13083 of the California Education Code, relating to the discretion of governing boards in certain districts to classify employees as permanent.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 13083 of the Education Code is amended to read as follows:

Permanent employees

13083. At the discretion of the governing board of a district with 60,000 average daily attendance or more every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district. If such board is the governing board of more than one district it may exercise the discretionary power given it by this section in each district under its jurisdiction, whether or not each of such districts has 60,000 average daily attendance.

CHAPTER 1117

An act to amend Sections 6302, 6334, and 6356 of the Education Code, relating to school district budgets.

[Approved by Governor June 18, 1951 Filed with Secretary of State June 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6302 of the Education Code is amended to read:

Cash balances and estimated expenditures

6302. (a) From the records of the county auditor, the county superintendent of schools shall secure the cash balances of the district or shall make estimates thereof if information on actual cash balances is not available, and shall enter these,

as well as the estimated expenditures for the last preceding fiscal year; these estimated expenditures shall be set forth for comparison with the estimated requirements of the district in the order by functions as prescribed in Section 6301(a). The cash balances shall be segregated to show separately the amounts derived by receipts from bond sales and gifts or donations by reason of bond sales. The tentative budget also shall show estimated apportionments from the State School Fund, and from state and federal sources for vocational education, vocational rehabilitation, or for other purposes for the ensuing fiscal year. The actual income from these sources for the last preceding fiscal year also shall be shown.

(b) In addition to the above information the governing board shall furnish the county superintendent of schools with an estimate of the revenues from sources other than taxes on property anticipated during the year from the secured roll of the equalized assessment roll of the district for the year to which the budget is intended to apply, and the sources whence derived, compared with the estimated receipts from the same sources for the last preceding fiscal year. Should the governing board fail to provide this information, it shall be supplied by the county superintendent of schools from his own records.

(c) The governing board shall compute the income to be derived from property contained in the unsecured roll of the equalized assessment roll of the district for the year as follows:

The board shall deduct an amount not to exceed 10 percent from the unsecured roll of the equalized assessment roll of the district for the year prior to the year for which the budget is to apply, using the tax rate of the district for the year prior to the year for which the budget is to apply.

SEC. 2. Section 6334 of said code is amended to read:

Publication budget

6334. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the State as required to be tabulated in Sections 6301-6302 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no newspaper in the district, then in a newspaper published nearest to the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the

residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held.

SEC. 3. Section 6356 of said code is amended to read:

6356. The board of supervisors shall determine the rate of district tax necessary to be levied as follows: Rate of tax

They shall deduct 10 percent from the equalized value of the secured roll of the last equalized assessment roll for the district. The rate is, the amount required to be raised, divided by the remainder of the assessment roll.

CHAPTER 1118

An act to amend Sections 1770, 1971.1, 1990, and 3137 and to add Section 2077 and to repeal Section 1780 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1770 of the Harbors and Navigation Code is amended to read:

1770. Subject to any valid leases and subject to such jurisdiction as the City and County of San Francisco may have in the public streets within the area hereinafter described and subject to the present occupancy and use of land and air space by the San Francisco-Oakland Bay Bridge under the jurisdiction of the California Toll Bridge Authority and the Department of Public Works the board has possession and control of that portion of the Bay of San Francisco, and the adjacent territory, together with all the improvements, rights, privileges, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes provided by this part, which is bounded as follows: Territory under control of board

Commencing at the intersection of the center line of Lewis Street with the center line of Webster Street; running thence southerly along the center line of Webster Street to a point in the northerly line of Tide Land Survey #15, San Francisco County patented by the State of California to the North San Francisco Homestead and Railroad Association on June 23, 1864; thence easterly along said northerly line to the northeasterly corner of the lands patented to said association; thence southerly along the easterly line, and the extension thereof, to the shore line of San Francisco Bay as said shore line existed in 1850; thence easterly along the shore line of 1850 to the easterly line of Laguna Street; thence northerly along the easterly line of

Laguna Street to the center line of Lewis Street; thence easterly along the center of Lewis Street to a point distant 514.19 feet westerly from the westerly line of Van Ness Avenue; thence northerly 21.78 feet to a point distant 514.65 feet westerly from the westerly line of Van Ness Avenue; thence easterly 156.0 feet to a point distant 358.68 feet westerly from the westerly line of Van Ness Avenue and 25.02 feet northerly from the center line of Lewis Street; thence southerly 25.02 feet to a point on the center line of Lewis Street distant 358.16 feet westerly from the westerly line of Van Ness Avenue; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to a point 275 feet west of the westerly line of Hyde Street measured at right angles thereto; thence southerly parallel with the westerly line of Hyde Street to a point 225 feet north of the northerly line of Jefferson Street; thence easterly parallel with the northerly line of Jefferson Street to the westerly line of Hyde Street; thence southerly along the westerly line of Hyde Street to the southerly line of Jefferson Street; thence easterly along the southerly line of Jefferson Street to the westerly line of Powell Street; thence southerly along the westerly line of Powell Street to the southerly line of Beach Street; thence easterly along the southerly line of Beach Street to the westerly line of Grant Avenue; thence southerly along the westerly line of Grant Avenue to the southerly line of North Point Street; thence easterly along the southerly line of North Point Street to the westerly line of Kearny Street; thence southerly along the westerly line of Kearny Street to the shore line of 1850; thence southerly along the shore line of 1850 to the southerly line of Francisco Street; thence easterly along the southerly line of Francisco Street to the westerly line of Montgomery Street;

Thence southerly along the westerly line of Montgomery Street to the southerly line of Chestnut Street; thence easterly along the southerly line of Chestnut Street to the westerly line of Sansome Street; thence southerly along the westerly line of Sansome Street to the southerly line of Lombard Street; thence easterly along the southerly line of Lombard Street to the westerly line of Battery Street; thence southerly along the westerly line of Battery Street to the southerly line of Greenwich Street; thence easterly along the southerly line of Greenwich Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the westerly line of Front Street; thence southerly along the westerly line of Front Street to the southerly line of Vallejo Street; thence easterly along the southerly line of Vallejo Street to the westerly line of Davis Street; thence southerly along the westerly line of Davis Street to the southerly line of Pacific Avenue; thence easterly along the southerly line of Pacific Avenue to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the northerly line

of Howard Street; thence westerly along the northerly line of Howard Street to the westerly line of Steuart Street; thence southerly along the westerly line of Steuart Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point 137.5 feet southerly from the southerly line of Harrison Street measured at right angles thereto; thence westerly parallel to Harrison Street to the westerly line of Spear Street; thence southerly along the westerly line of Spear Street to the northerly line of Bryant Street; thence westerly along the northerly line of Bryant Street to the westerly line of Beale Street; thence southerly along the westerly line of Beale Street to the northerly line of Brannan Street; thence westerly along the northerly line of Brannan Street to the westerly line of First Street; thence southerly along the westerly line of First Street to the northerly line of Townsend Street; thence westerly along the northerly line of Townsend Street to the westerly line of Gale Street; thence southerly along the westerly line of Gale Street to the northerly line of King Street; thence westerly along the northerly line of King Street to the westerly line of Second Street;

Thence southerly along the westerly line of Second Street to the northerly line of Berry Street; thence westerly along the northerly line of Berry Street to the westerly line of Third Street; thence southerly along the westerly line of Third Street to the northerly line of Channel Street; thence westerly along the northerly line of Channel Street to the easterly line of Seventh Street; thence southerly along the easterly line of Seventh Street to the southerly line of Channel Street; thence easterly along the southerly line of Channel Street to the westerly line of Third Street; thence southerly along the westerly line of Third Street to the southwesterly line of Fourth Street; thence southeasterly along the southwesterly line of Fourth Street to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to a point on the line of ordinary high tide as established by the Board of Tideland Commissioners, between Butte, now Nineteenth, Street and Napa, now Twentieth, Street in 1868; thence easterly, southerly and westerly along said high water mark to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to the center line of Twenty-fifth Street; thence easterly along the center line of Twenty-fifth Street to the easterly line of Massachusetts Street; thence southerly along the easterly line of Massachusetts Street to the northerly line of Tulare Street; thence westerly along the northerly line of Tulare Street to the center of Texas Street; thence southerly along the center of Texas Street produced to the southerly line of Islais Street produced westerly; thence easterly along the southerly line of Islais Street to the southwesterly line of Arthur Avenue; thence southeasterly along the southwesterly line of Arthur Avenue to the westerly line of Ingalls Street; thence southerly along the westerly line of Ingalls Street to the line of ordinary

high tide of 1868, as established by the Board of Tideland Commissioners; thence southerly along the said line of ordinary high tide of 1868 to the northerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence easterly along said northerly line of the state patent to the easterly line of Donahue Street; thence northerly along the easterly line of Donahue Street to the Water Front Line of 1877; thence southerly along said last mentioned line to the southwesterly line of Shafter Avenue produced; thence westerly along the southwesterly line of Shafter Avenue produced and the southwesterly line of Shafter Avenue to the easterly line of Alvord Street; thence southerly along the easterly line of Alvord Street to the southwesterly line of Wallace Street; thence northwesterly along the southwesterly line of Wallace Street to the easterly line of Donahue Street; thence northerly along the easterly line of Donahue Street to the southerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence westerly along said southerly line of the state patent to the line of ordinary high tide, as established by the Board of Tideland Commissioners; thence southwesterly along said line of ordinary high tide to the southwesterly line of Yosemite Street; thence southeasterly along the southwesterly line of Yosemite Street to the westerly line of Water Front Street; thence southerly along said last mentioned line to the southern boundary of the City and County of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point due north of the place of commencement; thence south to the place of commencement.

SEC. 2. Section 1971.1 of the Harbors and Navigation Code is amended to read:

Leases to United States

1971.1. The board may lease to the United States of America, or any department thereof, acting by and through any of its various agencies, any of the real property under the jurisdiction of the board. The term of such lease shall not exceed 25 years.

SEC. 3. Section 1990 of the Harbors and Navigation Code is amended to read:

Obligations Limitation

1990. The board cannot enter into a valid contract or obligation with a person other than another state agency, which creates a liability or authorizes the payment of money in excess of two hundred fifty dollars ($250), unless it is signed by two of the commissioners, and countersigned by the secretary or assistant secretary of the board. The board may enter into a valid contract or obligation which creates a liability or authorizes the payment of money of two hundred fifty dollars ($250) or less or authorizes payment to another state agency by having such contract or obligation signed by an officer authorized by the board. The board shall not make any contract, involving the payment of money, unless the amount then to the credit of the Harbor Improvement Fund, plus any sums which may be derived from the sale of bonds, together with the revenue esti-

mated to accrue up to the time of the maturity of the contract, over and above the current expenses of the board, is sufficient to meet the payments to become due thereon. The estimate of revenue shall be limited, as to time, to 15 years.

SEC 4. Section 3137 of the Harbors and Navigation Code is amended to read:

Extension of streets

3137. Whenever any section of the seawall and thoroughfare is constructed and ready for use, the board of supervisors of the City of San Francisco, shall cause the streets of the city to be extended and constructed, so as to intersect the section; and if any such streets have been widened by the Board of State Harbor Commissioners, they shall be contracted to their original width before widening, and be so extended; provided, however, no street shall be extended through any lands which have been sold or exchanged by the Board of State Harbor Commissioners nor through any lands which at the time are being held or used pursuant to any lease or assignment made by the board.

When extended, they are public streets, and their roadways and sidewalks, to the intersection of the thoroughfare, shall be constructed and kept in repair in the manner provided by law for the construction and repair of the public streets of San Francisco.

SEC. 5 Section 2077 is added to the Harbors and Navigation Code, to read:

Vacated lands

2077. Whenever any street or thoroughfare within the lands subject to the jurisdiction of the board shall be vacated and the board shall determine that the lands within such vacated street or thoroughfare, or any portion thereof, can be beneficially used in connection with other adjacent lands then occupied pursuant to any lease made by the board, it may, notwithstanding the provisions of Section 3063 and without regard to the requirements of Sections 2072 and 2073, lease said lands, or portion thereof, to the lessee of such other lands for a period commensurate with the unexpired term of the lease to such other lands and otherwise upon such terms and conditions as the board may deem proper.

Repeal

SEC. 6. Section 1780 of the Harbors and Navigation Code is repealed.

CHAPTER 1119

An act to add Section 18061 to the Education Code, relating to the payment of construction contracts.

[Approved by Governor June 18, 1951. Filed with Secretary of State June 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 18061 is added to the Education Code, to read:

Payment of construction contracts

18061. The governing board of any school district shall determine the method of payment for construction contracts, including progress payments for completed portions of the work or for materials delivered on the ground or stored subject to the control of the board and unused.

CHAPTER 1120

An act to amend Section 66c of the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Contra Costa, and providing for the appointment of two additional judges and for compensation.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 66c of the Code of Civil Procedure is amended to read:

Judges. Appointment, election

66c. In the County of Contra Costa there shall be five judges of the superior court.

SEC. 2. Within 10 days after the taking effect of this act, the Governor shall appoint two additional judges of the Superior Court in the County of Contra Costa in addition to the superior court judges already provided for by law in said County of Contra Costa, who shall hold office until the first Monday after the first day of January, 1953. At the general election to be held in November, 1952, two additional judges of the Superior Court of Contra Costa County shall be elected in said county as provided by law, who shall be the successors of the judges appointed hereunder, and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 3. The salary of the additional judges 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 other judges of the Superior Court in Contra Costa County now authorized by law.

CHAPTER 1121

An act to amend Section 327 of the Revenue and Taxation Code, relating to property taxation.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 327 of the Revenue and Taxation Code is amended to read:

County officer's maps

327. Where any county or county officer possesses a complete, accurate map of any land in the county, or whenever such a complete, accurate map has been made in compliance with Section 4218 of the Political Code, the assessor may number or letter the parcels in a manner approved by the board of supervisors. The assessor may renumber or reletter the parcels or prepare new map pages for any portion of such map to show combinations or divisions of parcels in a manner approved by the board of supervisors, so long as an inspection of such map will readily disclose precisely what land is covered by any particular parcel number or letter in the current or any prior fiscal year. This map or copy shall at all times be publicly displayed in the office of the assessor.

Land may be described by a reference to this map except that land shall not be described in any deed or conveyance by a reference to any such map unless such map has been filed for record in the office of the county recorder of the county in which such land is located.

All such maps in the possession of county assessors on August 27, 1937, and used for assessment purposes only, are deemed to have been numbered or lettered and approved properly.

CHAPTER 1122

An act to add Section 7026.5 to the Business and Professions Code, dealing with the Contractors' State License Act.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 19, 1951]

In effect September 22, 1951

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

SECTION 1. Section 7026.5 is added to the Business and Professions Code, to read:

"Sale"

7026.5. The term "sale" as used in this chapter means any arrangement between two or more persons as a result of which there is, or is to be, a transfer of property for a consideration.

CHAPTER 1123

An act to add Article 3 to Chapter 3 of Part 3, Division 2 and to amend Section 1282 of, and to add Section 11732.1 to, the Insurance Code, relating to the regulation of rating and other organizations for workmen's compensation insurance and employers' liability insurance incidental thereto and written in connection therewith.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 19, 1951]

In effect September 22, 1951

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

SECTION 1. Article 3 is added to Chapter 3, Part 3, Division 2 of the Insurance Code, to read:

Article 3. Rating and Other Organizations

Purpose

11750. The purpose of this article is to promote the public welfare by regulating concert of action between insurers in collecting and tabulating rating information and other data that may be helpful in the making of adequate minimum rates for workmen's compensation insurance and for employers liability insurance incidental thereto and written in connection therewith for all admitted insurers and in submitting them to the commissioner for issuance or approval; to authorize and regulate the existence and cooperation of qualified rating organizations to one of which each workmen's compensation insurer shall belong; to authorize and regulate cooperation between insurers, rating organizations and advisory organizations in rate making and other related matters to the end that the purposes of this chapter may be complied with and carried into effect.

Definitions

11750.1. As used in this article, unless a different meaning is manifest, the term:

a. "Insurer" means every insurer authorized to transact workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith in this State, including the State Compensation Insurance Fund;

b. "Rating organization" means any organization which has as its primary object or purpose the collecting of rating information, the making of rates, rating plans and rating systems for workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith and presenting them to the commissioner for issuance or approval;

c. "Insurance" means workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith;

d. "Wilful" or "wilfully" in relation to an act or omission which constitutes a violation of this article means with actual knowledge or belief that such act or omission constitutes such violation and with specific intent to commit such violation.

e. "Advisory organization" means every person, group or organization, other than an insurer, whether located within or without this State, which prepares policy forms or underwriting rules incidental to or in connection with workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith or which collects and furnishes to admitted insurers or rating organizations rating experience, loss or expense statistics or other statistical information and data relating to workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith and acts in an advisory capacity to such insurers or rating organizations as distinguished from a rate making capacity. No duly authorized attorney at law acting

in the usual course of his profession shall be deemed to be an advisory organization.

Application

11750.2. The provisions of this article shall apply to all workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith in this State, except reinsurance.

Rating organization

11750.3. A rating organization may be organized pursuant to this article and maintained in this State for the following purposes:

a. To provide reliable statistics and rating information in respect to workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

b. To collect and tabulate information and statistics for the purpose of developing minimum adequate premium rates to be submitted to the commissioner for issuance or approval.

c. To formulate rules and regulations in connection with issued or approved rates and the administration of classifications and rating systems and to present same to the commissioner for approval.

d. To inspect risks for classification or rate purposes and to furnish to the insurer and upon request of the employer and after notice to the insurer, to furnish to the employer full information concerning the rates applicable to his insurance.

e. To examine policies, daily reports, endorsements or other evidences of insurance for the purpose of ascertaining whether they comply with the provisions of law and to make reasonable rules governing their submission.

f. To make test audits of insured pay rolls and insurer's audits of such pay rolls to check the accuracy and reliability of such insurers' audits so that charging of premium at approved rates can be assured.

g. To exchange information and experience data with rating organizations, advisory organizations, and insurers in this and other states, in respect to rate making.

h. To become a member or subscriber of any lawfully authorized rate making or advisory organization whenever membership in such organization is necessary or helpful to the rating organization.

i. To perform all acts necessary, incidental or convenient to carry out the foregoing purposes or the provisions of this chapter relating to rating organizations.

License, filing fee, etc

11751. On and after January 1, 1952, no rating organization shall conduct its operations in this State without first having filed with the commissioner a written application for and securing a license to act as a rating organization. Any rating organization may make application for and obtain a license as a rating organization if it shall meet the requirements for license set forth in this article. The fee for filing an application for a license as a rating organization is twenty-five dollars ($25) payable in advance to the commissioner. Every such rating organization shall file with its application:

a. A copy of its constitution, its articles of incorporation, agreement of association, and of its by-laws, rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof.

b. A list of its members who shall not number less than five insurers authorized to write and writing workmen's compensation insurance in this State and whose combined experience shall be determined by the commissioner to be reasonably adequate for rate making purposes.

c. The name and address of a resident of this State upon whom notices of the commissioner or process affecting such rating organization may be served.

d. A statement of its qualifications as a rating organization.

Requisites for license

11751.1. To obtain and retain a license, a rating organization shall provide satisfactory evidence to the commissioner that it will:

a. Permit any insurer to become a member at a reasonable cost and without discrimination, or to withdraw therefrom

b. Neither have nor adopt any rule or exact any agreement, the effect of which would be to require any member as a condition to membership to adhere to rates, greater than the minimum adequate rates approved by the commissioner.

c. Neither adopt any rule nor exact any agreement, the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders or members.

d. Neither practice nor sanction any plan or act of boycott, coercion or intimidation.

e. Neither enter into nor sanction any contract or act by which any person is restrained from lawfully engaging in the insurance business.

f. Notify the commissioner promptly of every change in its constitution or articles of incorporation, agreement of association, or in its by-laws, rules and regulations governing the conduct of its business; its list of members; and the name and address of the resident of this State designated by it upon whom notices or orders of the commissioner or process affecting such organization may be served.

g. Agree that the commissioner or his representative may attend all meetings of the organization or any of its committees.

h. Maintain reasonable records of the experience of its members and of the data, statistics or information collected or used in connection with the rates, classifications, rating plans, rating systems, manual rules, and policy and endorsement forms used by its members so that such records will be available at all reasonable times to enable the commissioner to determine whether the rating organization and its members comply with the provisions of this chapter applicable to them. Such records shall be maintained in an office within this State. The commissioner may prescribe a uniform system for the keeping of such records which shall be reasonably adapted to the rating organization and its members' method of operation and which

shall be applicable to all rating organizations licensed under this article and their members.

Issuance of license

11751.2. The commissioner shall examine each application for license to act as a rating organization and the documents filed therewith and may make any further investigation of the applicant, its affairs and its proposed plan of business, as he deems desirable.

The commissioner shall issue the license applied for within 60 days of its filing with him if from such examination and investigation he is satisfied that:

a. The business reputation of the applicant and its officers is good.

b. The facilities of the applicant are adequate to enable it to furnish the services it proposes to furnish.

c. The applicant and its proposed plan of operation conform to the requirements of this chapter.

Otherwise, but only after hearing upon notice, the commissioner shall in writing deny the application and notify the applicant of his decision and his reasons therefor.

Licenses issued pursuant to this section shall remain in effect until suspended or revoked.

Constitution, by-laws, etc

11751.3. Subject to the approval of the commissioner, a rating organization licensed under this article may adopt any reasonable constitution, articles of incorporation or agreement of association, and may make reasonable rules for the regulation of its members and the conduct of its business by by-laws or otherwise. In a rating organization of which the State Compensation Insurance Fund is a member, it shall be entitled without election to membership on the managing or governing committee and on the classification and rating committee thereof.

Mandatory rating organization membership

11751.4. From and after the taking effect of this act, it shall be the duty of every insurer to be a member of a rating organization. No insurer may at the same time belong to more than one rating organization licensed under this article.

Commissioner's powers

11751.5. The commissioner, after notice and hearing, may promulgate reasonable rules and statistical plans, which may be modified from time to time and which shall be used thereafter in the recording and reporting by insurers of their loss and expense experience in order that the experiences of all insurers may be made available in such form and detail as may be necessary to aid the commissioner in administering the provisions of Article 2 of this chapter. The commissioner may designate any rating organization licensed under this article as his statistical agent to gather and compile such experience statistics and all licensed rating organizations shall report the experience of their members to such designated rating organization. Subject to reasonable rules approved by the commissioner, such designated rating organization shall make such experience statistics, when compiled, available to all licensed rating organizations and may make a reasonable charge to other rating organizations for the expense incurred by it in combining, tabulating and compiling the experience of all workmen's compensation insurers.

Examinations

11752. The commissioner may, as often as reasonable and necessary, make or cause to be made an examination of each rating or advisory organization to ascertain whether such organizations comply with the legal requirements applicable to it under this article.

In lieu of any such examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state or the report of a representative designated by the National Association of Insurance Commissioners.

Same

11752.1. The officers, managers, agents and employees of any such organization may be examined by the commissioner at any time under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation together with all data, statistics and information of every kind and character collected or considered by such organization in the conduct of the operations to which the examination relates.

Cost of examination

11752.2. The reasonable cost of any examination authorized by this article of any rating or advisory organization shall be paid by the organization examined.

Requisites for operation

11753. No advisory organization shall conduct its operations in this State unless and until it has filed with the commissioner:

a. A copy of its constitution, articles of incorporation, agreement of association, and of its by-laws, rules and regulations governing its activities, all duly certified by the custodian of the originals thereof.

b. A list of its members and subscribers.

c. The name and address of a resident of this State upon whom notices or orders of the commissioner or process may be served.

Every such advisory organization shall notify the commissioner promptly of every change in its constitution, its articles of incorporation, agreement of association, and of its by-laws, rules and regulations governing the conduct of its business; its list of members and subscribers; and the name and address of the resident of this State designated by it upon whom notices or orders of the commissioner or process affecting such organizations may be served.

No such advisory organization shall engage in any unfair or unreasonable practice with respect to its activities.

Appeal from rating organization's decision, etc

11753.1. Any person aggrieved by any decision, action or omission to act of a rating organization may request the rating organization to reconsider such decision, action or omission. If the request for reconsideration is rejected or is not acted upon within 30 days by the rating organization the person requesting reconsideration may within a reasonable time thereafter appeal from the decision, action or omission of the rating organization to the commissioner by filing a written complaint and request for a hearing specifying the grounds relied upon. If the commissioner has information on the subject appealed from and he believes that probable cause for the appeal does

not exist or if he believes that the appeal is not made in good faith, he may deny the appeal without a hearing; otherwise, he shall hold a hearing to consider and determine the matter presented by the appeal.

Notice of violations

11754. If the commissioner has good cause to believe that a rating or advisory organization or an insurer does not comply with the requirements of this article applicable to it, he shall, unless he has good cause to believe that such noncompliance is wilful, give notice in writing to such organization or insurer, stating therein in what manner and to what extent such noncompliance is alleged to exist and specifying therein a reasonable time, not less than 10 days thereafter, in which such noncompliance may be corrected. Notices under this section shall be confidential as between the commissioner and the organization or insurer unless a hearing is held under Section 11754.1.

Hearing

11754.1. If the commissioner has good cause to believe such noncompliance to be wilful, or if within the period prescribed by the commissioner in the notice required by Section 11754 the organization or insurer does not make such change as may be necessary to correct the noncompliance specified by the commissioner or establish to the satisfaction of the commissioner that such noncompliance does not exist, then the commissioner may hold a public hearing in connection therewith, provided that within a reasonable period of time, which shall not be less than 10 days before the date of such hearing, he shall mail written notice specifying the matters to be considered at such hearing to such organization or insurer. Such notice shall conform to the requirements for an accusation as prescribed by Section 11503 of the Government Code. If no notice has been given as provided in Section 11754 such notice shall state therein in what manner and to what extent noncompliance is alleged to exist. The hearing shall not include any additional subjects not specified in the notices required by Section 11754 or this section.

11754.2. If, after a hearing pursuant to Section 11754.1, the commissioner finds:

Revocation, etc., of license

a. That any rating or advisory organization or other organization authorized by this article or any insurer has violated the provisions of this article applicable to it, he may issue an order to such organization or insurer which has been the subject of the hearing, specifying in what respect such violation exists and stating when, within a reasonable period of time, the violation shall cease.

b. That any conditions prerequisite to the granting of a license to a rating organization no longer exist, he may issue an order to such organization which has been the subject of the hearing specifying the condition which has ceased to exist and stating when within a reasonable time the condition shall be complied with. If the condition is not complied with within the time specified the commissioner may suspend or revoke the license of such organization, in addition to any other penalty provided in this article.

c. That any rating organization has wilfully engaged in any fraudulent, dishonest act or practice, he may suspend or revoke the license of such organization, in addition to any other penalty provided for in this article.

Same

11754.3. In addition to other penalties provided in this code the commissioner may suspend or revoke the license of any rating organization or insurer which fails to comply within the time limited by such order or extension thereof which the commissioner may grant, with an order of the commissioner lawfully made by him pursuant to Section 11754.1 and effective pursuant to Section 11754.5.

Proceedings

11754.4. Except as otherwise provided in this article, all proceedings in connection with the denial, suspension or revocation of a license of a rating organization or insurer under this article shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all the powers granted to him therein.

Review

11754.5. Any finding, determination, rule, ruling or order made by the commissioner under this article shall be subject to review by the courts of the State and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure. In such proceedings on review, the court is authorized and directed to exercise its independent judgment on the evidence and unless the weight of the evidence supports the findings, determination, rule, ruling or order of the commissioner, the same shall be annulled.

Notwithstanding any other provision of law to the contrary, a petition for review of any such finding, determination, rule or order, may be filed at any time before the effective date thereof. No such finding, determination, rule, or order shall become effective before the expiration of 20 days after notice and a copy thereof is mailed or delivered to the person affected, and any finding, determination, rule, or order of the commissioner so submitted for review shall not become effective for a further period of 15 days after the petition for review is filed with the court. The court may stay the effect thereof for a longer period.

Withholding information, etc

11755. No person, insurer, rating or advisory organization shall wilfully withhold information from, or knowingly give false or misleading information to, the commissioner or to any rating organization, which will affect the rates, rating systems or premiums for workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

Penalties

11756. (a) Any person, insurer, or organization, who fails to comply with a final order of the commissioner under this article shall be liable to the State in an amount not exceeding fifty dollars ($50) but if such failure be wilful, he or it shall be liable to the State in an amount not exceeding five thousand dollars ($5,000) for such failure. The commissioner shall collect the amount so payable and may bring an action in the name of

the people of the State of California to enforce collection. Such penalties may be in addition to any other penalties provided by law.

(b) A wilful violation of the provisions of this article by any person is a misdemeanor.

Scope

11757. Nothing in this article shall be construed to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers. A plan for the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers shall not be deemed a rating plan or system.

Same

11758. No act done, action taken or agreement made pursuant to the authority conferred by this article shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this State heretofore or hereafter enacted which does not specifically refer to insurance.

Severability clause

SEC. 2. If any clause, sentence, paragraph or part of this act or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

SEC. 3. Section 1282 of the Insurance Code is amended to read:

Applicability of other sections

1282. The provisions of the following sections, articles and chapters shall be applicable to reciprocal or interinsurance exchanges:

Chapter 1, Part 1, Division 1;
Article 14, Chapter 1, Part 2, Division 1;
Article 16, Chapter 1, Part 2, Division 1;
Chapter 9, Part 2, Division 1;
Sections 1101 to 1106, inclusive;
Article 1, Chapter 1, Part 3, Division 2;
Article 2, Chapter 1, Part 3, Division 2;
Article 1, Chapter 2, Part 3, Division 2;
Article 2, Chapter 2, Part 3, Division 2;
Article 1, Chapter 3, Part 3, Division 2;
Article 2, Chapter 3, Part 3, Division 2; and
Article 3, Chapter 3, Part 3, Division 2.

Effect on other sections

SEC. 4. Nothing in Article 3, Chapter 3, Part 3, Division 2 of the Insurance Code amends, modifies, repeals, or in any measure affects the interpretation or construction of Article 2, Chapter 3, Part 3, Division 2 of that code, or of any word, phrase, or provision of that article. Except as provided in the preceding sentence, all laws or parts of laws inconsistent with the provisions of said Article 3, Chapter 3, Part 3 of Division 2 are hereby repealed.

Operative date

SEC. 5. This act shall take effect January 1, 1952, but rating or advisory organizations may at any time prior thereto file with the commissioner and the commissioner may consider and act upon any application, document or information necessary to comply with the provisions of this chapter in order that such organizations may obtain the license or otherwise comply with the provisions of this chapter.

SEC. 6. Section 11732.1 is added to the Insurance Code, to read:

Classification and rates

11732.1. The commissioner may pursuant to all grants of authority contained in this article with respect to workmen's compensation insurance and subject to all limitations therein approve or issue as adequate for all admitted workmen's compensation insurers a classification of risks and premium rates relating to employer's liability insurance incidental to and written in connection with workmen's compensation insurance. Such classification and rates may be included in those for workmen's compensation insurance or separate therefrom, and if issued or approved by the commissioner shall be binding upon insurers to the same extent as are the classifications and rates issued or approved for workmen's compensation insurance.

CHAPTER 1124

An act to amend Sections 100.6, 822.5, and 1670 of, and add Section 1626 to, the Streets and Highways Code, relating to highways and trails on or crossing county or state boundary lines.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 19, 1951.]

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

SECTION 1. Section 100.6 of the Streets and Highways Code is amended to read:

Agreements with adjoining states

100.6. The department may, on behalf of the State of California, enter into agreements with any adjoining state, or any proper agency of such state, for the construction, reconstruction, operation and maintenance, by any party to such agreement, in the manner and by such means as may be provided in the agreement, of bridges over interstate waters and may enter into like agreements with respect to construction, reconstruction, operation and maintenance of highways within this State or such adjoining state, when such highways are at or near the common boundary of the states. Payment for work done pursuant to such agreements may be made from any fund available to the department for highway purposes.

SEC. 2. Section 822.5 of said code is amended to read:

Agreements with cities and counties, etc

822.5. Agreements are authorized between the department and any county, or counties, or city, or cities, providing for

the acquisition of property for, the construction, improvement and maintenance of any highway, including those not in the State Highway System, and those lying partly within and partly without the boundaries of the State, to be constructed with federal aid. The department may, when authorized by any such written agreement, acquire for the county or city as the case may be, any real property within the State required for any such highway which is not in the State Highway System.

SEC. 3. Section 1670 of said code is amended to read:

Agreements with federal officers

1670. The board of supervisors of any county may enter into cooperative agreements with the Secretary of Agriculture of the United States, or other properly authorized officer of the United States, for the survey, construction, and maintenance of highways or trails within such county, or for the survey, construction, and maintenance of highways or trails outside of its county limits, including highways or trails lying partly within and partly without the boundaries of the State, where authorization therefor is given by ordinance or resolution of the board of supervisors or other properly authorized agency of the county in which such highways or trails or a portion thereof are to be constructed.

SEC. 4. Section 1626 is added to said code, to read:

Powers granted

1626. Power hereby is granted to the board of supervisors of any county, to construct, maintain, improve and repair any county highway which in whole or in part forms the boundary line between said county and another county in this State or any other state, or which in its meanderings crosses and recrosses such boundary line; and to acquire by purchase or condemnation any lands or rights-of-way within this State, necessary for such boundary highway; and to enter into joint contracts with authorities of adjoining counties within or without the State, for the construction, maintenance, improvement and repair of such highways. Any such highway shall be considered a county highway and expenditures may be made thereon from funds received by the county from the Highway Users Tax Fund to the extent provided by law for county highways.

CHAPTER 1125

An act to amend Section 332 of the Fish and Game Code, relating to wilderness and wild areas.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 332 of the Fish and Game Code is amended to read:

Travel in wilderness areas

332. It shall be unlawful for any person other than a legally constituted peace officer or officer or employee of the Forest Service of the United States Department of Agriculture,

the Department of Fish and Game, or of the Division of Forestry, Department of Natural Resources of California, or county fire and game wardens or their duly authorized representatives, to travel by motor boat, automobile, motorcycle, or other type of motorized vehicle, or to land an airplane within the boundaries of the following wilderness and wild areas as shown upon that certain map entitled "U. S. Department of Agriculture, Forest Service, Earl H. Clapp, Acting Chief, National Forests of California, 1940" on file in the Office of the Forest Service, United States Department of Agriculture:

Name of wilderness and wild area	National Forest in which located
Agua Tibia	Cleveland
Cucamonga	San Bernardino
Devil Canyon-Bear Canyon	Angeles
San Gorgonio	San Bernardino
San Jacinto	San Bernardino
San Rafael	Los Padres
Ventana	Los Padres
High Sierra	Inyo
Mount Dana-Minaret	Inyo
Hoover	Inyo

Nothing in this section shall be construed as prohibiting access over any road or trail in any such area to any land to which any person is entitled to possession by such person or any person authorized by him to use such road or trail as a means of access to said land.

CHAPTER 1126

An act to amend Section 457 of the Education Code, relating to county school superintendents' salaries and qualifications in counties of the fifty-seventh class.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 457 of the Education Code is amended to read:

Mono County, superintendent of schools salary

457. The annual salary of the county superintendent of schools of a county of the fifty-seventh class is five thousand dollars ($5,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

SEC. 2. The State Board of Education shall issue to each county superintendent of schools of a county of the fifty-seventh class in office at the time this act takes effect a credential equal to the one designated by this act.

CHAPTER 1127

An act to amend Sections 15000, 15004, 15154, 15254, 16900, 16906, 16950, 16953, 16959, 17000, 17001, 17080, and 17088 of, to add Sections 15004.2, 15016.8, 15151.3, 15159, 15160, 15161, 17000.1, 17000.2, 17000.3, 17000.4, 17080.1, 17080.2, 17080.3 and 17085.5 to, and to repeal Sections 16951, 16952, 16954, 16955, 16956, 16958, 17081, 17082, 17083, 17084, 17086, and 17087, and Articles 2, 3, and 4 of Chapter 22 of Part 1 of Division 13 of, the Health and Safety Code, relating to health and safety requirements for housing.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 15004 of said code is amended to read:

15004. "Approved," when used in connection with any material, type of construction, or appliance, means meeting the approval of the enforcement agency, as the result of investigation and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies. "Approved"

SEC. 2. Section 15004.2 is added to said code, to read:

15004.2. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, and approved by the enforcement agency. "Approved agency"

SEC. 3. Section 15016.8 is added to said code, to read:

15016.8. "Fire-resistive construction" or "protection" means meeting the requirements of Sections 15004, 15004.2 or Sections 15159 or 15160 or meeting the respective requirements for rating of "four-hour," "three-hour," "two-hour" or "one-hour" fire-resistive construction or protection as specified in "Standard Specifications for Fire Tests of Building Construction and Materials" (C19-41) as published by the American Society for Testing Materials. "Fire-resistive construction," "protection"

SEC. 4. Section 15151.3 is added to said code, to read:

15151.3. The enforcement agency having jurisdiction is hereby authorized to waive strict compliance with the provisions of this part as to any building operated by nonprofit corporation, association or organization exclusively for recreational purposes for seasonal use only, and located in an unincorporated area of the State. Such waiver shall be limited and restricted to such matters as in the judgment of the enforcement agency will not create a hazard to the health or safety of the public or the occupants of such buildings after giving proper consideration to the location and use thereof. Waiver of strict compliance

SEC. 6. Section 15154 of said code is amended to read:

15154. Except as otherwise permitted or required by this part: Conformance

(a) In any structural addition or any alteration, repair, installation, or change in, including use or occupancy, or recon-

struction of, any building, such new work shall meet all of the requirements of this part.

(b) It is unlawful to increase the percentage of the lot occupied, or in any manner, whether by sale, conveyance or otherwise, to diminish the required size of yards, courts, passageways, shafts, windows or skylights, or to remove any required sanitary facility, fire protection equipment, device, safeguard, installation, stairway, or fire escape, or to obstruct the egress from any building or from the hallways, passageways, or stairways.

(c) Minor structural additions, alterations or repairs, when approved by the building department, may be made with the same kind of material of which the building is constructed.

SEC. 7. Section 15159 is added to said code, to read:

Alternate construction

15159. The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved.

The building department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of life and health.

The building department may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

SEC. 8. Section 15160 is added to said code, to read:

Proof of compliance

15160. Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part, or in order to substantiate claims for alternates, the building department may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

SEC. 9. Section 15161 is added to said code, to read:

Substitution of materials, etc

15161. The Division of Housing may authorize the substitution of any material, appliance, installation, device, arrangement, method or type of construction for that which is prescribed in this part under the following conditions:

(a) When and where the division determines that there exists a critical shortage of the material, appliance or device prescribed.

(b) In unincorporated areas of the State where the population density is less than 300 persons per square mile.

(c) When and where, in the judgment of the division, the substitution will not create a hazard to the health or safety of the public or of the occupants of buildings.

SEC. 10. Section 15254 of said code is amended to read:

Designation of department or officer

15254. Any city or county may designate and charge by charter ordinance or resolution any department or officer, other

than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part within its territorial limits.

SEC. 11. Section 16900 of said code is amended to read:

16900. Every gas burning appliance shall be approved by a nationally recognized testing agency. Every gas burning appliance, except ranges, hot plates, and refrigerators approved by such agencies for unvented use, shall be connected to an effective flue or vent leading to the outside air not less in size than the vent collar on the appliance. Vents or flues for all appliances except those with forced draft or sealed combustion chambers shall extend one (1) foot above the highest portion of any building within fifteen (15) feet horizontally of the vent termination. Every vent or flue extending above the roof line shall terminate in a cap with a vent capacity of not less than that of the flue or vent. Appliances with forced draft or sealed combustion chambers shall be vented in accordance with the manufacturer's instructions. Gas appliances' Approval, etc.

SEC. 12. Section 16906 of said code is amended to read:

16906. Every gas burning appliance shall be connected to the gas supply piping in a building by approved metal piping. Connections

SEC. 13. Section 16950 of said code is amended to read:

16950. In every apartment house or hotel every boiler room or room containing a central heating plant using solid or liquid fuel shall be separated from the rest of the building by approved fire-resistive construction. In such building of three stories or less in height the separation shall be of not less than approved one hour fire-resistive construction. In such building of more than three stories in height the separation shall be of not less than approved three hour fire-resistive construction. Separation of boiler, etc., rooms

SEC. 14. Section 16951 of said code is hereby repealed. Repeal

SEC. 15. Section 16952 of said code is hereby repealed. Repeal

SEC. 16. Section 16953 of said code is amended to read:

16953. The floor of the room shall be of incombustible material. Incombustible floor

SEC. 17. Section 16954 of said code is hereby repealed. Repeal

SEC. 18. Section 16955 of said code is hereby repealed. Repeal

SEC. 19. Section 16956 of said code is hereby repealed. Repeal

SEC. 20. Section 16958 of said code is hereby repealed. Repeal

SEC. 21. Section 16959 of said code is amended to read:

16959. Oil or other liquid fuel burned in the room shall not be fed by a gravity flow unless the apparatus is equipped with an approved automatic control. Gravity flow

SEC. 22. Section 17000 of said code is amended to read:

17000. No automobile or other motor vehicle shall be placed, or stored, or repaired in any portion of an apartment house or hotel except in a garage which meets the requirements of this chapter. Storage, repair of motor vehicles

SEC. 23. Section 17000.1 is added to said code, to read:

17000.1. For the purpose of this chapter:

Garages Private storage

(a) A private storage garage is a space in an apartment house or hotel in which only motor vehicles used by the tenants of the building are placed or stored and the floor area is limited to two thousand (2,000) square feet.

Public storage

(b) A public storage garage is a space in an apartment house or hotel in which motor vehicles are placed or stored and in which the floor area exceeds two thousand (2,000) square feet.

Repair

(c) A repair garage is a space in an apartment house or hotel in which motor vehicles are repaired.

SEC. 24. Section 17000.2 is added to said code, to read:

Separation of garage

17000.2. A private storage garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved one-hour fire-resistive construction.

SEC. 25. Section 17000.3 is added to said code, to read:

Same

17000.3. A public storage garage or repair garage in an apartment house or hotel shall be separated from the rest of the building by not less than approved three-hour fire-resistive construction.

SEC. 26. Section 17000.4 is added to said code, to read:

Incombustible floors

17000.4. Garage floors shall be of incombustible material.

SEC. 27. Section 17001 of said code is amended to read:

Machine shops

17001. No portion of any apartment house or hotel shall be used as a machine shop, or a battery repair shop unless it meets the requirements of this chapter for a repair garage.

Repeal

SEC. 28. Articles 2, 3, and 4 of Chapter 22 of Part 1 of Division 13 of said code are hereby repealed.

SEC. 29. Section 17080 of said code is amended to read:

Ventilation

17080. Every garage in a building shall be provided with ventilation meeting the requirements of this article.

SEC. 30. Section 17080.1 is added to said code, to read:

Same

17080.1. A private storage garage with an opening into an apartment house or hotel shall be equipped with fixed louvered or screened openings or exhaust ventilation with exhaust openings located within six inches (6″) of the floor. The clear area of the louvered openings or of the opening into the exhaust ducts shall be not less than sixty (60) square inches per car stored in such private storage garage. Under no circumstances shall a garage have any opening directly into a room used for sleeping purposes.

SEC. 31. Section 17080.2 is added to said code, to read:

Same

17080.2. A public storage garage or a repair garage shall be provided with mechanical exhaust ventilation sufficient to produce one complete change of air every 15 minutes. Such exhaust ventilation shall be taken from a point at or near the floor level.

SEC. 32. Section 17080.3 is added to said code, to read:

Same Maintenance of system

17080.3. Any person in charge of a building or garage in which a mechanical exhaust system of ventilation is installed and used pursuant to this article, who fails, neglects, or refuses

to operate and maintain the system in good order and repair so that the air in the garage for which it is provided is not completely changed within the specified interval is guilty of a misdemeanor.

SEC. 33. Section 17081 of said code is hereby repealed. Repeal

SEC. 34. Section 17082 of said code is hereby repealed. Repeal

SEC. 35. Section 17083 of said code is hereby repealed. Repeal

SEC. 36. Section 17084 of said code is hereby repealed. Repeal

SEC. 37. Section 17085.5 is added to said code, to read:

17085.5. In a public storage garage or in a repair garage not exceeding an area of five thousand (5,000) square feet, the enforcement agency may authorize the omission of such ventilating equipment where in the agency's opinion, the building is supplied with unobstructed openings to the outer air which are sufficient to provide the necessary ventilation. Omission of ventilating equipment

SEC. 38. Section 17086 of said code is hereby repealed. Repeal

SEC. 39. Section 17087 of said code is hereby repealed. Repeal

SEC. 40. Section 17088 of said code is amended to read:

17088. The fan discharge from a mechanical exhaust system shall be taken to a point above the roof of the building or to the outer air at a point not less than 10 feet from any window in the building in which the garage is located, or in any adjoining building. Fan discharge

SEC. 41. No provision of this act shall be construed to require a structural addition, structural alteration or a structural change in or on an existing building or the replacement of an existing appliance which requires a structural addition, structural alteration or a structural change in or on an existing building where such is not required by law prior to the effective date of this act. Structural additions

SEC. 42. Section 15000 of said code is amended to read:

15000. This part is known as the "State Housing Act." No provision of this part shall apply to any building regulated by Part 2 of this division. Short title

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CHAPTER 1128

An act to amend Section 11699 of the Insurance Code, relating to the business of workmen's compensation insurance.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 11699 of the Insurance Code is amended to read:

11699. The bond shall be in an amount: Amount of bond

(a) Not less than the sum of the following amounts computed, less credits and deductions allowable with respect to reinsurance in admitted insurers, as of the close of the last preceding December 31st in respect to workmen's compensation insurance written subject to the workmen's compensation laws of this State:

(1) The aggregate of the present values at 4 percent interest, of the determined and estimated future payments upon claims under compensation policies written more than three years prior to such date.

(2) The aggregate of the amounts computed as follows: For each of the preceding three years take 65 percent of the earned compensation premiums for that year and deduct all loss and loss expense payments made upon claims under policies written in the corresponding year from such 65 percent; except that the amount for each such year shall not be less than the present value at 4 percent interest of the determined and the estimated unpaid claims under compensation policies written in that year.

(b) Not less than one hundred thousand dollars ($100,000).

(c) If the aggregate amount computed under subdivision (a) exceeds fifty thousand dollars ($50,000), not more than double such aggregate amount.

CHAPTER 1129

An act to repeal Section 8968 of the Business and Professions Code, relating to moneys in the Yacht and Ship Brokers Fund.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

Repeal

SECTION 1. Section 8968 of the Business and Professions Code is hereby repealed.

CHAPTER 1130

An act to amend Section 51b of the Public Utility District Act, relating to the annexation of territory to public utility districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 51b of the Public Utility District Act is amended to read:

Annexation of noncontiguous land

Sec. 51b. Land not a part of and not contiguous to any district and containing at least 10 privately owned acres may be annexed to said district in the manner following:

(1) If the land to be annexed lies within the exterior boundaries of any public utility district, water district or irrigation district, the board of directors or other governing body of the district (herein referred to as the petitioning district) within

which the land to be annexed lies, may if the nearest exterior boundary of the petitioning district is within three miles of the nearest boundary of the annexing district by petition request that lands lying within the boundaries of their district and described in said petition be annexed to the district (hereinafter referred to as the annexing district) upon such terms and conditions as may be set forth in said petition. Said petition shall be addressed to the board of directors of the annexing district and be filed with the secretary of the annexing district. The execution and filing of said petition by the petitioning district shall be authorized by resolution of the board of directors of the petitioning district and a certified copy of said resolution shall be filed with said petition. If the board of directors of the annexing district shall determine that the annexation of said territory shall facilitate the acquisition, construction, completion or operation of any public utilities works of the petitioning district, or the annexing district, and will not operate to the disadvantage of the annexing district, and that the territory proposed to be annexed will be benefited by said annexation, then said board shall determine the terms and conditions upon which said annexation shall be made. In the terms and conditions so determined, the board may provide (a) that the territory to be annexed shall not become liable by assessment or otherwise for any of the outstanding obligations of the annexing district; (b) that the land to be annexed shall not be liable by assessment or otherwise for any expense incurred in acquiring property used or to be used for the servicing of any land within the exterior boundaries of the annexing district as they then exist; (c) for any costs or charges incurred in connection with the replacement or construction of any utility system or systems or for the delivery of any commodity or service within the annexing district; (d) that the land to be annexed shall be subject to such assessments and charges as required to provide for any utility system or property necessary to serve the annexed land; (e) for the costs of maintaining, servicing and operating said properties; (f) or the liability of the land to be annexed may be limited solely to the fixing and collecting of charges for utilities or commodities actually supplied to the petitioning district by the annexing district. Said terms and conditions may also provide that any and all property, services or commodities may be delivered directly to the petitioning district; (g) said annexation may be made contingent upon the annexing district obtaining the necessary approval of any and all agencies, authorities and districts of which the annexing district may be a member, to the annexing of such lands; (h) may specify that the annexed territory may be required to waive and will not be entitled to receive, use or participate in any services, commodities or property or some specific part thereof which may be owned by or to which the annexing district may be entitled; (i) and any other terms and conditions which the board of directors of either of said districts shall deem just. Such

Same.

terms and conditions shall become effective and binding upon the annexing district and upon the territory to be annexed and the petitioning district when approved in the manner hereinafter set forth.

Effect of including public agency

(2) The inclusion in, or annexation or addition to, a public utility district, of the corporate area of any public corporation or public agency, shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of such public utility district.

Procedure

(3) The resolution of the board of directors of said annexing district heretofore referred to shall describe the territory proposed to be annexed and set forth the terms and conditions at length upon which said annexation is proposed to be made, and declare the board's intention of approving such annexation upon the terms and conditions therein specified. Said resolution, together with a notice fixing the time and place of hearing thereon and notifying all persons interested in or that may be affected by the proposed annexation of said territory to appear at said meeting and show cause in writing, if any they have, why said territory or any part of it should not be annexed as proposed in said resolution, and said notice and resolution shall be published in a newspaper of general circulation printed and published in the annexing district or if there be no such newspaper, then in a newspaper of general circulation printed and published in the county where such annexing district or some part thereof is situated. The time fixed for such hearing shall not be less than 20 days nor more than 60 days from the date of the first publication of said resolution, and said notice and resolution shall be posted in three public places in the territory proposed to be annexed at least 15 days before the date set for such hearing. At such hearing or any time theretofore, any person interested may file with the board of directors of the annexing district a written protest to the proposed annexation or to the approval of such terms and conditions. In the event written protests are filed by the owner or owners of taxable property in the territory proposed to be annexed, the board of directors shall refer said protests to the board of supervisors of the county in which the district is situated The board of supervisors shall thereupon hold a hearing on said protests after notice given in the manner hereinabove in Section 5 of this act provided. At such hearing, the board of supervisors may, if they find and determine that the property described in said protests will not be substantially benefited by annexation to the said district, notify the board of directors of said district that such property shall not be annexed to said district, and the board of directors shall take the necessary steps to exclude said property from the territory proposed to be annexed. At said hearing or any continuance thereof, the board of directors of the annexing district shall hear all evidence relevant thereto, and the board shall thereupon determine whether said territory shall be annexed and shall determine

upon what terms and conditions, if any, such annexation shall be made. Failure of any person interested in any lands located within the annexing district or the territory to be annexed, to make such protests, shall be deemed and taken as an assent on their part to the annexation of the territory set forth in said petition of the petitioning district, and upon the terms and conditions set forth therein. In the event that the board of directors of the annexing district, after such hearing, by resolution approves the proposed annexation of the territory described in said petition upon the terms and conditions set forth therein or upon any other terms and conditions, and said annexation is approved by resolution of the board of directors of the public utility, irrigation district, or water conservation district in which said land is situated; and said resolution of the petitioning district or written consent is filed with the secretary of the annexing board, then the annexing board shall declare that said annexation is completed and shall by resolution describe the territory proposed to be annexed, and set forth the boundaries of the district as they shall exist after said annexation. Said order shall also set forth in detail the terms and conditions, if any, of the annexation; and if the annexation is for limited purposes only, the lands which are being annexed shall be described as one parcel and the lands of the annexing district shall be described as a separate and distinct parcel. A copy of said resolution, certified by the president and secretary of the board, shall be filed for record in the recorder's office in each county within which the district or any part thereof and within which the territory annexed or any part thereof is situated, and thereupon the lands annexed shall become a part of the annexing public utility district upon the terms and conditions and subject to the limitations set forth in said resolution No contest of any thing or matter herein provided for shall be valid unless the contest is instituted within the time and manner herein specified, and in any such contest the findings of fact or conclusions of the board of directors of the annexing district and of the board of directors of any district within which the annexing lands may be located, shall be conclusive unless an action attacking such proceedings is filed in the superior court of the county in which the lands are located, within six months after such findings or conclusions are made.

Urgency

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

This act is necessary to cure grave water shortages existing in several areas of the State which can be remedied by annexation of such areas to existing public utility districts. By immediate annexation, it will be possible for such areas to obtain more nearly adequate supplies of domestic water during the forthcoming summer.

CHAPTER 1131

An act to amend Section 925 of the Fish and Game Code, relating to purse and round haul nets and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 925 of the Fish and Game Code is amended to read:

Purse seines, ring nets

925. In Districts 17, 18, and 19, purse and round haul nets may be used, except that purse seines or ring nets may not be used in that portion of District 19 lying within three miles offshore from the line of the high water mark along the coast of Orange County from sunrise Saturday to sunset Sunday from May 1st to September 10th, inclusive. Purse seine or ring nets may not be used from May 1st to September 10th, inclusive in the following portions of District 19:

(a) Within a two-mile radius of Dana Point.

(b) Within a two-mile radius of San Mateo Point.

(c) Within two miles off shore from the line of the high water mark along that portion of the coast of Orange County lying between the northernmost bank of the mouth of the Santa Ana River and a point on said coast six miles south therefrom.

Urgency

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

Orange County coast line, containing some 35 miles of coastal frontage, contains two harbors and many piers from which commercial and sport fishing boats operate, the largest of said harbors being Newport Harbor, which, alone, has in excess of 4,000 boats. Most of these boats fish either commercially or for sport fishing. The economic value of these boats, plus the employment they afford are a tremendous asset to the economic well-being of the County of Orange and the State of California.

Many fish which were formerly plentiful in this area have now been seriously depleted, due primarily to purse seining. The spawning season for most species of these fish is between May 1st and September 10th.

It is therefore necessary that this act go into immediate effect as a conservation measure for protection of both commercial and sport fishing.

CHAPTER 1132

An act to amend Section 1744 of the Code of Civil Procedure, relating to attaches of the conciliation court in counties of 900,000 population or more.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1744 of the Code of Civil Procedure is amended to read:

Los Angeles County conciliation court, appointees

1744. In each county having a population of 900,000 inhabitants or more, the superior court may appoint the following persons to assist the conciliation court in disposing of its business:

(a) One commissioner, who shall be known as the "director of conciliation," and shall receive a salary of six thousand six hundred dollars ($6,600) per annum, the same as received by commissioners in counties with a population of 900,000 or more.

(b) One counselor of conciliation who shall receive a salary of five thousand four hundred dollars ($5,400) per annum, whose duties shall be to provide supervision and counsel in conciliation matters and such other duties as the judge of the conciliation court may direct.

(c) One investigator, who shall receive a salary of four thousand seven hundred forty dollars ($4,740) per annum, and necessary expenses while engaged in the discharge of his duties.

(d) Two junior judicial secretaries, each of whom shall receive a salary of three thousand three hundred dollars ($3,300) per annum.

The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county, and may be made in addition to all other appointments of commissioners and other judicial attaches and employees otherwise authorized by law to be made in counties having a population of 900,000 inhabitants or more.

The salaries and expenses provided for in this section shall be paid in monthly installments out of the fund of the county from which salaries of county officers generally are paid, and shall be audited and allowed in the same manner as other salary demands against the county.

CHAPTER 1133

An act to amend Section 261.5 of the Code of Civil Procedure, relating to superior court employees in counties, or cities and counties, of 2,000,000 population or more.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 261.5 of the Code of Civil Procedure is amended to read:

Los Angeles County superior court employees

261.5. In each county, or city and county, having a population of 2,000,000 inhabitants and over, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, in addition as may be herein provided in other sections, may also appoint the following employees: four probate examiners, each at a salary of seven thousand two hundred sixty dollars ($7,260) per annum; two assistant probate examiners at a salary of five thousand eight hundred twenty dollars ($5,820) per annum; one chief probate investigator at a salary of five thousand two hundred eighty dollars ($5,280) per annum; one probate investigator at a salary of four thousand six hundred twenty dollars ($4,620) per annum; three senior probate checkers, each at a salary of four thousand two hundred ninety dollars ($4,290) per annum; three intermediate probate checkers, each at a salary of three thousand three hundred dollars ($3,300) per annum; two probate checkers, each at a salary of two thousand seven hundred eighty-four dollars ($2,784) per annum; two jury supervisors, each at a salary of three thousand nine hundred dollars ($3,900) per annum; two assistant jury supervisors, each at a salary of three thousand three hundred dollars ($3,300) per annum. All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

Salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and expenses in this section provided for shall be paid in monthly installments out of the general fund, and both salaries and expenses shall be allowed and audited in the same manner as other demands against the county, or city and county, are required by law to be allowed and audited.

CHAPTER 1134

An act to amend Section 261a of the Code of Civil Procedure, relating to superior court employees in counties, or cities and counties, of 900,000 population or more.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 261a of the Code of Civil Procedure is amended to read:

Los Angeles County superior court employees

261a. In each county, or city and county, having a population of 900,000 inhabitants and over, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist

the court in the transaction of the judicial business of said court, may appoint the following employees: One administrative jury supervisor at a salary of four thousand nine hundred forty-four dollars ($4,944) per annum; three supervising judicial secretaries, each at a salary of four thousand four hundred forty dollars ($4,440) per annum; one secretary for the appellate department of the superior court at a salary of four thousand four hundred forty dollars ($4,440) per annum; 28 senior judicial secretaries, each at a salary of four thousand two hundred ninety dollars ($4,290) per annum; five judicial secretaries, each at a salary of three thousand three hundred dollars ($3,300) per annum; one property clerk, at a salary of three thousand three hundred dollars ($3,300) per annum; six investigators of the domestic relations cases, each at a salary of four thousand seven hundred forty dollars ($4,740) per annum; six junior clerks, each at a salary of two thousand five hundred thirty-two dollars ($2,532) per annum; six intermediate typist-clerks, each at a salary of three thousand seventy-two dollars ($3,072) per annum; three research assistants for the appellate department of the superior court, each at a salary of four thousand two hundred dollars ($4,200) per annum. All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there is no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid, and expenses in this section provided for shall be paid in monthly installments out of the general fund, and both salaries and expenses shall be allowed and audited in the same manner as other demands against the county, or city and county, are required by law to be allowed and audited.

CHAPTER 1135

An act to add Sections 9510.1 and 9598.5 to the Business and Professions Code, relating to advertising in the dry cleaning industry.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9510.1 is added to the Business and Professions Code, to read:

9510.1. "Advertise" or any of its variants includes the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio announcement, or any other means or methods now or hereafter employed "Advertise"

to bring to the attention of the public any information concerning services rendered, operation of, or proprietary interest in, processes used, results or purported results of services rendered, of any of the several premises, buildings, rooms, shops, stores, or establishments mentioned in Sections 9500 to 9523, inclusive.

SEC. 2. Section 9598.5 is added to said code, to read:

Misleading advertising

9598.5. No licensee shall use any advertising which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or which violates the provisions of Section 17500 of the Business and Professions Code.

Any licensee who violates the provisions of this section shall be subject to disciplinary action in accordance with the powers conferred upon the board by Sections 9532 and 9594.

CHAPTER 1136

An act to add Section 101.5 to the Labor Code, relating to filing fees.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 101.5 is added to the Labor Code, to read:

Filing fees

101.5. No fees shall be payable for the filing or recording of any document or paper in the performance of any official service by the division. The amount ordinarily charged for such filing or recording shall be made a part of any judgment recovered by the division and shall be paid by the division if sufficient money is collected over and above the wages or demands actually due the claimants.

CHAPTER 1137

An act to amend Section 11616 of the Business and Professions Code, relating to the dedication of streets, and the abandonment of an offer of dedication of said streets.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 11616 of the Business and Professions Code is amended to read:

Offer of dedication

11616. If at the time the final map is approved any streets are rejected, the offer of dedication shall remain open and the governing body may by resolution at any later date,

and without further action by the subdivider, rescind its action and accept and open the streets for public use, which acceptance shall be recorded in the office of the county recorder; provided, however, that if said offer of dedication has never been accepted, the right to accept said offer as to all or any of the streets shown on the map may be terminated and abandoned in the same manner as is prescribed for the abandonment or vacation of streets or highways by Part 3, Division 9, or by Chapter 2, Division 2, of the Streets and Highways Code, whichever is applicable.

If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the governing body.

CHAPTER 1138

An act to add Section 189.7 to the Code of Civil Procedure, relating to destruction of court and other public records.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 189.7 is added to the Code of Civil Procedure, to read:

Destruction of records

189.7. Notwithstanding any other provisions of law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law; provided, that:

(1) Ten years have elapsed since the date of the filing of the first paper in such action or proceeding and 10 years have elapsed since the filing of any other paper therein and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court, except that transcripts of coroner's inquests, depositions and when the written consent of the district attorney is first obtained transcripts of preliminary hearings may be destroyed, as herein provided, when five years have elapsed since the filing thereof in the office of the county clerk and the action or proceeding in which they were filed is not pending or on appeal in any court; and

(2) The county clerk maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition or transcript so destroyed prepared in accordance with the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure; and

(3) The county clerk promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement or destruction.

CHAPTER 1139

An act to amend Sections 13020, 13040, 13052, 13054, 13055, and 13064 of the Water Code, relating to the control of water pollution.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 13020 of the Water Code is amended to read:

Duties of state board

13020. The state board shall:

(a) Establish an office.

(b) Appoint and fix the salary of an executive officer who is a registered engineer with at least five years of engineering experience relating to water pollution and waste disposal. The executive officer shall be exempt from the state civil service and shall serve at the pleasure of the board.

(c) Appoint such secretarial and stenographic help, subject to the State Civil Service Act, as the board determines necessary to enable it to carry out the provisions of this division.

(d) Adopt reasonable rules and regulations for the conduct of its affairs in the administration of this division.

(e) Adopt a seal which shall have embossed thereon "State Water Pollution Control Board, State of California."

(f) Allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards.

(g) Have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution.

(h) At the request of a regional board, assist the citizens of any area in the formation of a district authorized to provide facilities necessary to correct any condition of contamination, pollution, or nuisance.

SEC. 1.6. Section 13040 of said code is amended to read:

Regions Description

13040. The State is divided, for the purposes of this division, into nine regions:

(a) North coastal region, which comprises all basins including Lower Klamath Lake and Lost River basins draining into the Pacific Ocean from the California-Oregon state line southerly to the northerly boundary of the watershed of Lagunitas Creek in Marin County and its extension along the center line of Tomales Bay.

(b) San Francisco Bay region, which comprises San Francisco Bay, Suisun Bay, from Sacramento River and San Joaquin River westerly from a line which passes between Collinsville and Montezuma Island and follows thence the boundary common to Sacramento and Solano Counties and that common to Sacramento and Contra Costa Counties to the westerly boundary

of the watershed of Markley Canyon in Contra Costa County, all basins draining into the bays and rivers westerly from this line, and all basins draining into the Pacific Ocean between the southerly boundary of the north coastal region and the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties. Same

(c) Central coastal region, which comprises all basins, including Carrizo Plain in San Luis Obispo and Kern Counties, draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties to the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek.

(d) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages.

(e) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and a line which follows the drainage divide between Los Trancos and Moro Canyons from the ocean to the summit of the San Joaquin Hills; thence along the divide between lands draining into Newport Bay and into Laguna Canyon to Niguel Road; thence along Niguel Road and Los Aliso Avenue to the divide between Newport Bay and Aliso Creek drainages; thence along that divide and the southeasterly boundary of the Santa Ana River drainage to the divide between Baldwin Lake and Mojave Desert drainages; thence along that divide to the divide between Pacific Ocean and Mojave Desert drainages.

(f) San Diego region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana region and the California-Mexico boundary.

(g) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville.

(h) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly boundary located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah.

(i) Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.

The regions defined and described in this section shall be as precisely delineated on official maps of the Division of Water Resources and include all of the areas within the boundaries of the State.

SEC. 2. Section 13052 of said code is amended to read:

Duties of regional boards

13052. Each regional board, with respect to its region, shall:

(a) Obtain coordinated action in the abatement, prevention and control of water pollution and nuisance by means of formal or informal meetings of the persons involved;

(b) Encourage and assist in self-policing waste disposal programs for industry, and upon application of any person shall advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged;

(c) Require any state or local agency to inspect and report on any technical factors involved in water pollution or nuisance;

(d) Request enforcement of laws concerning water pollution or nuisance by appropriate federal, state and local agencies;

(e) Formulate and adopt long-range plans and policies with respect to water pollution control within the region;

(f) Recommend to the state board projects for the reduction of water pollution which the regional board considers eligible for any financial assistance which may be available through the state board;

(g) Report to the state board and appropriate local health officer any case of contamination in its region which is not being corrected.

(h) File with the state board, at its request, copies of any official action with respect to any particular case of actual or threatened pollution.

(i) Have the power to require any state or local agency to obtain and submit analyses of well water.

SEC. 3. Section 13054 of said code is amended to read:

Sewage discharge. Reports

13054. Any person proposing to discharge sewage or industrial waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such proposed discharge. The reporting of a discharge of sewage from family dwellings in any area may be waived by the regional board. The regional board, after any necessary hearing, shall prescribe requirements as to the nature of such discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is proposed and notify the person proposing the discharge of its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements with respect to the discharge of sewage and industrial waste.

SEC. 3.5. Section 13055 of said code is amended to read:

13055. A regional board may investigate any source of water pollution or nuisance within its region and may require that any person responsible for meeting prescribed requirements furnish such technical reports as the board may specify. Technical reports

SEC. 4. Section 13064 of said code is amended to read:

13064. No order issued under the provisions of this article shall specify the design, location, type of construction or particular manner in which an operation causing or threatening to cause a condition of pollution or nuisance is to be corrected, and the person so ordered shall be permitted to correct the condition in any lawful manner. Contents of orders

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CHAPTER 1140

An act to amend Section 4 of "An act providing for the division of counties into judicial districts and for the determination of the population of said districts, and repealing Sections 27800, 27801, 27802, and 27803 of the Government Code," approved July 27, 1949, relating to judicial districts. Stats 1949, p 2694, amended

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Sec. 4. The population of a judicial district shall be deemed to be above or below 40,000 inhabitants either (1) as shown by the last preceding federal census of the district or of the aggregate cities and other political subdivisions situated within the district, whichever is greater, or (2) as shown by a subsequent census taken as provided in Section 26203 of the Government Code, or (3) as may have been found to be the fact in any proceeding in mandamus brought in a court having jurisdiction thereof, whichever may be later. Any enumeration of the population of a city made by the United States Bureau of Census shall, when officially announced and certified and a copy thereof has been filed with Secretary of the State, be considered the federal census of such city within the meaning of this act. Population of judicial districts

If a judicial district is formed from part of an existing township or district, or from parts of existing townships or districts, the population thereof may be determined according to the figures shown by the federal census for census tracts or other units recognized by the Bureau of Census which are located within said district.

CHAPTER 1141

An act to amend Sections 25051, 25320, 25321, 25520, and 25521 of the Streets and Highways Code, and to add Sections 130.1 and 130.2 to said code, relating to joint highway districts and the construction of state highways.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 25051 of the Streets and Highways Code is amended to read:

Conveyance authorized

25051. The State, the counties composing the district, or any city within the district, may convey to the district such lands, public highways, or rights of way as may be utilized as part of, or in connection with, any highway which the district is authorized to improve.

SEC. 2. Section 25320 of the Streets and Highways Code is amended to read:

Improvement Resolution of completion

25320. Upon the completion of the improvement of any portion of any highway by the district, the board of directors may, and on the completion of the whole of any highway by the district, the board of directors shall, adopt a resolution declaring such completion and transmit a copy of the same to the board of supervisors of the county or counties in which such completed improvement is situated If such completed improvement or any portion thereof is situated within a city, a copy of said resolution shall likewise be transmitted to the governing body of such city, and if it is a state highway or any part of a state highway route or of the State Highway System, then a copy of said resolution shall also be transmitted to the Director of Public Works.

SEC. 3. Section 25321 of the Streets and Highways Code is amended to read:

Control

25321. Control of such completed improvement shall vest in the State, county or city having jurisdiction of the class of highways of which such completed improvement is a part upon receipt of the resolution of completion by the appropriate public officer or governing body thereof designated in the preceding section and the State, county or city, as the case may be, shall thereupon be liable for the future maintenance and care thereof.

SEC. 4. Section 25520 of the Streets and Highways Code is amended to read:

Dissolution of district

25520. Upon the completion or other termination of the projects for which the district is organized and upon the payment and retirement of all outstanding bonds and obligations of the district, the district shall be wound up and dissolved. The secretary shall or any member of the board of directors may call a meeting for the dissolution of the district. If a meeting for dissolution is not called the board of supervisors of any county within the district may demand the calling of such meeting and

the dissolution of the district. Notice of such meeting shall be given to each member county and contributing political subdivision and public corporation.

SEC. 5. Section 25521 of the Streets and Highways Code is amended to read:

Distribution of property

25521. Any property or money belonging to the district at the time of dissolution shall be distributed by the board of directors to the State and the several counties, cities, other political subdivisions and public corporations in the proportions in which they have respectively contributed to the expense and operation of the district. Upon such distribution the board of directors shall adopt a resolution certifying such distribution and the dissolution of the district. Upon the filing of a copy of said resolution with the Secretary of State, the district shall be finally terminated and dissolved.

SEC. 6. Section 130.1 is added to the Streets and Highways Code, to read:

Completion of improvements Resolution

130.1. Upon the completion of the improvement of any portion of any state highway constructed pursuant to the provisions of Section 130 by the party designated in the contract, the governing body of such party may, and upon the completion of the whole of any such highway the governing body shall, adopt a resolution declaring such completion and transmit a copy of the same to the Director of Public Works.

SEC. 7. Section 130.2 is added to the Streets and Highways Code, to read:

Future maintenance

130.2. Upon receipt of the resolution of completion by the Director of Public Works, the control of the state highway or the portion thereof declared completed by said resolution, shall revert to the State of California and the State of California shall be liable for its future maintenance and care.

CHAPTER 1142

An act to amend Section 386 of the Code of Civil Procedure, relating to interpleader.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 386 of the Code of Civil Procedure is amended to read:

Interpleader

386. A defendant, against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer, upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon such contract, or for such property, upon notice to such person and the adverse party, apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the

amount claimed on the contract, or delivering the property or its value to such person as the court may direct; and the court may, in its discretion, make the order; or such defendant may file a verified cross complaint in interpleader, admitting that he has no interest in such amount or such property claimed, or in a portion of such amount or such property and alleging that all or such portion of the amount or property is demanded by parties to such action or cross action and apply to the court upon notice to such parties for an order to deliver such property or portion thereof or its value to such person as the court shall direct. And whenever conflicting claims are or may be made upon a person for or relating to personal property, or the performance of an obligation, or any portion thereof, such person may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims. The order of substitution may be made and the action of interpleader may be maintained, and the applicant or interpleading party be discharged from liability to all or any of the conflicting claimants, although their titles or claims have not a common origin, or are not identical but are adverse to and independent of one another. The amount which plaintiff or cross complainant admits to be payable under a contract may be deposited by him with the clerk of the court at the time of the filing of the complaint or cross complaint in interpleader without first obtaining order of the court therefor.

Any interest on amounts deposited and any right to damages for detention of property so delivered, or its value, shall cease to accrue after the date of such deposit or delivery.

Except in cases where by the law a right to a jury trial is now given, conflicting claims to funds or property or the value thereof so deposited or delivered shall be deemed issues triable by the court, and such issues may be first tried. In the event the amount deposited shall be less than the amount claimed to be due by one or more of the conflicting claimants thereto, or in the event the property or the value thereof delivered is less than all of the property or the value thereof claimed by one or more of such conflicting claimants, any issues of fact involved in determining whether there is a deficiency in such deposit or delivery shall be tried by the court or a jury as provided in Title 8 of Part 2 of this code.

CHAPTER 1143

An act to amend Section 117j of the Code of Civil Procedure, relating to small claims.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 20, 1951.]

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

SECTION 1. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within 10 days of notice of entry of judgment against him, delivered to him in person or by mail to his last known address, appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justices' court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). Except as otherwise provided in this chapter, such appeal shall be taken as provided in Chapter 3 of Title 13 of Part 2 of this code for appeals from justices' courts. Appeal from judgment

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CHAPTER 1144

An act to add Article 12.5, comprising Sections 9181 to 9188 inclusive, to Chapter 7 of Division 4 of the Education Code, to amend the title of Article 2 of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, to add Article 7, comprising Sections 3361 to 3364 inclusive, to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, to repeal Article 1, comprising Sections 3200 to 3203, inclusive, of Chapter 2 of Part 1 of Division 5, Article 1.5, comprising Sections 3250 to 3261, inclusive, of Chapter 2 of Part 1 of Division 5, and 3302.3 thereof, to add Sections 3250, 3305, 3306, 3353, thereto, and to amend Sections 3300, 3301, 3302, 3302.5, 3303, 3331, 3332, and 3351 thereof, relating to state institutions for the blind, to provide for orientation centers and California Industries for the Blind and for state purchase of products made in institutions for the blind.

[Approved by Governor June 19, 1951. Filed with Secretary of State June 21, 1951.] In effect September 22, 1951

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

SECTION 1. Article 12.5 is added to Chapter 7 of Division 4 of the Education Code, to read:

Article 12.5. Orientation Centers for the Blind

9181. There is established in the City of Oakland at the premises known as 3601 Telegraph Avenue an orientation center for the blind which shall be known as the Oakland Orientation Center for the Blind. This orientation center for the blind is under the jurisdiction and supervision of the Department of Education, and shall be administered by the Director of Education in accordance with the provisions of this chapter. The department shall make and promulgate such rules and regulations Oakland Orientation Center for the Blind

as are necessary to carry out the provisions of this article for the administration of the Oakland Orientation Center for the Blind and such other orientation centers as may be established under this article.

Other centers

9182. The department may establish other orientation centers, in accordance with the provisions of this article, as are necessary to provide on a state-wide basis the services to be rendered by an orientation center for the blind as outlined in this chapter.

Nature of centers

9183. Each orientation center established under this article shall be residential in character. Blind persons shall be admitted as residents and trainees in an intensive program designed for maximum vocational and personal rehabilitation and for the preparation of blind persons for useful and remunerative work in trades, professions, private business, private industry, or public service. A person shall be considered blind who has 20/200 or less visual acuity in the better eye with correction, as measured by the Snellen test, or who has such limitation of field or other defect as to render him incapable of obtaining an education or making a living with ordinary visual proficiency.

Director

9184. For each orientation center for the blind the Director of Education shall appoint a director who shall administer and supervise the institutional and educational aspects of the program at that center in accordance with the provisions of this chapter and under the supervision of the Director of Education. The director of an orientation center for the blind shall be either (1) a visually handicapped person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college education and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Education with the approval of the State Personnel Board.

Orientation

9185. Orientation centers shall provide for short periods of intensive personal and pre-vocational orientation for blind persons, and for specific vocational training. The program of an orientation center shall include such training as training in techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in Braille, instruction in skills for the handicapped, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

Staff

9186. The staff of an orientation center shall be composed of persons trained to assist blind persons in achieving social and economic independence, and whose qualifications include successful experience in teaching blind persons. The staff shall

include as large a proportion as is practicable of visually handicapped persons who have achieved outstanding success in adjustment to their handicap.

9187. Each orientation center shall be operated as a unit separate and apart from any state operated workshop for the blind. The program of each orientation center shall be closely coordinated with the services of the Bureau of Vocational Rehabilitation, with the home teacher and field service program, and with programs for training teachers and other personnel directed toward serving the blind. Separate units

9188. The department may:

(a) Make rules for the government and direction of orientation centers established under this chapter, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the State. Rules, etc

(b) Designate the subjects which shall be regularly taught and the training which shall be given. Training program

SEC. 1.5. Article 1, comprising Sections 3200 to 3203, inclusive, of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is repealed. Repeal

SEC. 2. Article 1.5, comprising Sections 3250 to 3261, inclusive, of Chapter 2 of Part 1 of Division 5 of said code is repealed. Repeal

SEC. 3. Section 3250 is added to said code, to read:

3250. The Training Center for Adult Blind presently established in the City of Oakland shall be converted to the Oakland Center, California Industries for the Blind, and shall be administered under the provisions of Article 2 of this chapter. Blind persons who are residents of the Training Center for the Adult Blind on the date this section takes effect and are aged or enfeebled and no longer able to work shall be allowed to continue in residence at the Oakland Orientation Center for the Blind. Blind persons who are resident of the Training Center for the Adult Blind on March 1, 1951, may be allowed to continue to reside at the Oakland Orientation Center for the Blind. Residential facilities vacant on the effective date of this section or thereafter vacated shall be devoted to the use of the Oakland Orientation Center for the Blind. Every blind person who on the effective date of this section is a resident of the Training Center for Adult Blind and is unable to work is a beneficiary of the State in the exercise of the power to assist the handicapped, and when he has no other source of income or support, shall receive not less than two dollars ($2) per week as aid for his personal needs. Such payments shall be made from funds appropriated for the support of the Oakland Orientation Center for the Blind. Training Center for Adult Blind Conversion

SEC. 3.5. The title of Article 2 of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is amended to read:

Article 2. California Industries for the Blind

SEC. 4. Section 3300 of said code is amended to read:

California Industries for the Blind

3300. The Department of Education, with the approval of the Director of Finance, may establish in such cities as it deems necessary manufacturing centers and salesrooms to provide employment for blind and other physically handicapped persons and give them opportunity for training and experience on the job which will enable them to contribute to their own support. Such manufacturing centers and salesrooms shall be under the management and control of the Department of Education, and shall be known and designated as California Industries for the Blind.

SEC. 5. Section 3301 of said code is amended to read:

Rules, etc

3301. The Director of Education shall make and enforce all rules and regulations necessary to carry out the provisions of this article.

SEC. 6. Section 3302 of said code is amended to read:

Housing, equipment

3302. The Department of Education shall provide suitable rooms or buildings to house the activities of California Industries for the Blind. For this purpose the Department of Education may rent suitable buildings or rooms, or, with the approval of the Director of Finance, may rent, lease, purchase or otherwise acquire land and construct, in accordance with law, or cause to be so constructed thereon suitable building or buildings. It shall purchase all necessary and suitable equipment and materials. It shall provide for the sale and terms of sale of all products manufactured by the workers thereof, provide for the employment of such other employees as it deems necessary, and do all necessary and proper acts to carry out the provisions of this article.

Whenever additional equipment, materials, or employees become necessary in order to provide greater facilities for the employment of more blind and physically handicapped persons in California Industries for the Blind, or to enlarge the economic opportunities of those blind and physically handicapped persons employed therein, the department shall purchase such additional equipment or materials, or both, and shall provide for the employment of such additional employees.

Upon proper representation by the Department of Education to the Department of Finance that any raw material used in the production of articles and commodities is in short supply, the Department of Finance may grant to the Department of Education an authorization to purchase such raw materials without prior approval by any other state agency. After making a purchase of any raw materials in short supply under such authorization the Department of Education must notify the Department of Finance of the purchase made and the cost thereof. The Department of Finance may determine when such raw materials are no longer in short supply and withdraw the authorization.

Repeal

SEC. 7. Section 3302.3 of said code is repealed.

SEC. 8. Section 3302.5 of said code is amended to read:

3302.5. Managers of the California Industries for the Blind shall be persons experienced in work for the blind and selected in accordance with the rules and regulations governing civil service, and blind persons qualifying for such positions shall not be discriminated against for appointment on account of blindness. Managers, qualifications

SEC. 9. Section 3303 of said code is amended to read:

3303. Any blind person of suitable age, character, and qualifications, who has been a resident of the State for one year prior to his application for admission, and such other physically handicapped persons so qualified as it is practicable to receive therein may be admitted for employment in any center of California Industries for the Blind. The rate of wages to be paid workers and the conditions of employment in the California Industries for the Blind shall be fixed by the Department of Education. Requirements for admission

SEC. 10. Section 3305 is added to said code, to read:

3305. Blind persons and other physically handicapped persons employed in California Industries for the Blind may authorize deductions to be made from their earnings, in accordance with the rules and regulations of the Director of Education, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including but not limited to group life insurance, approved by the Controller and the Director of Finance. Deductions authorized

SEC. 11. Section 3306 is added to said code, to read:

3306. Blind persons and other physically handicapped persons employed by California Industries for the Blind shall be deemed to be employees of the State only for the purposes of workmen's compensation insurance. Workmen's benefits

SEC. 12. Section 3331 of said code is amended to read:

3331. All moneys received from the sale of products manufactured in the manufacturing departments of the California Industries for the Blind shall be remitted at least once in every month to the State Treasury for credit to, and shall become part of, the Workshops for the Blind Manufacturing Fund from whence derived. Disposition of proceeds from sale of products

SEC. 13. Section 3351 is amended to read:

3351. Orders placed with the Department of Education by persons who are blind for the purchase for resale of products manufactured or assembled at, any center, California Industries for the Blind, shall be given priority as to delivery over orders placed by other persons. Priority of orders

SEC. 14. Section 3353 is added to said code, to read:

3353. In times of national emergency, as proclaimed by the President of the United States, the Federal Government may be given priority over all persons and over all other governmental entities as to delivery of orders placed with the Department of Education for purchase of products manufactured or assembled by California Industries for the Blind. Priority of deliveries

SEC. 15. Article 7, comprising Sections 3361 to 3364, inclusive, is added to Chapter 2 of Part 1 of Division 5 of said code, to read:

Article 7. State Purchase of Blind-made Products

Committee on State Purchases from California Industries for the Blind

3361. There shall be a committee known as the Committee on State Purchases from California Industries for the Blind which shall be composed of the directors, or their representatives, of the State Departments of Finance, and Education, and the Purchasing Agent of the University of California. Committee members shall receive no compensation for their duties but shall be paid their actual and necessary expenses by the respective departments.

Rules

3362. The committee shall make rules for its organization and proceedings, and shall select a chairman from among its members.

Determination of prices

3363. The committee shall determine the fair market price of all brooms and mops and other suitable commodities manufactured by and offered for sale to the State by California Industries for the Blind, and shall revise such prices from time to time in accordance with changing market conditions.

Mandatory state procurement

3364. All brooms and mops and other commodities which are manufactured by the California Industries for the Blind and offered for sale at the fair market price as determined by the committee and which meet the specifications required for such products, and which are to be procured by or for the State, shall be procured from California Industries for the Blind.

Severability clause

SEC. 16. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 1145

An act to amend Section 420 of, and to add Section 429.6 to, the Fish and Game Code, relating to sporting fishing licenses.

In effect September 22, 1951

[Approved by Governor June 19, 1951. Filed with Secretary of State June 21, 1951.]

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

SECTION 1. Section 420 of the Fish and Game Code is amended to read:

License required

420. Except as otherwise provided in this article, every person who takes any bird or mammal, other than a predatory bird or mammal, and every person over the age of 16 years, who

takes any fish, for any purpose other than profit, must procure a license therefor.

SEC. 2. Section 429.6 is added to the said code, to read:

429.6. A sporting fishing license is not required to be procured in order for a person to take fish for any purpose other than profit by means of angling in the ocean waters of the State when such angling is done from any public pier. Angling in ocean

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CHAPTER 1146

An act to add Article 5, to Chapter 5, Part 2, Division 3, Title 2, and to repeal Sections 16396 and 18002, of the Government Code, relating to state employment, in respect to pay roll procedure.

[Approved by Governor June 20, 1951. Filed with Secretary of State June 21, 1951]

In effect September 22, 1951

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

SECTION 1. Article 5 is added to Chapter 5, Part 2, Division 3, Title 2 of the Government Code, to read:

Article 5. Uniform State Pay Roll System

12470. In conformity with the accounting system prescribed by the Department of Finance pursuant to Section 13290, the Controller shall install and operate a uniform state pay roll system for all state agencies, except the University of California and the Department of Public Works. The Controller may provide for the orderly inclusion of state agencies into such system, and may make exceptions from the operation thereof for such periods as he determines necessary. Uniform pay roll system

12471. The uniform state pay roll system shall provide adequate accounting procedures to enable each state agency to properly account salary and wage expenditures under the uniform state accounting system. Accounting procedures

12472. The uniform state pay roll system may provide for the fixing of staggered pay roll periods, and designated days of the month on which permanent monthly salaried employees shall be paid for the preceding pay roll period. Such pay dates shall be uniform for all employees of each state agency employed in the same geographic area, and shall not be more than 10 calendar days following the close of the pay roll period. Staggered pay roll periods

12473. The pay roll period of employees of a state agency shall not be changed by inclusion of the agency into the uniform state pay roll system or by any revision or modification of the system unless notice of the proposed change has been given to each employee who will be affected by such change in the form and manner prescribed by the Controller not less than 60 days prior to the effective date of the change. Notice to employees

Rosters

12474. The Controller shall establish and maintain a pay roll roster of all persons employed by every state agency except the University of California and the Department of Public Works and may establish and maintain a roster of all established positions. The pay roll roster shall include both civil service and exempt employees, but shall not necessarily include emergency appointees or the equivalent.

Certification of changes, etc

12475. Each appointing power shall correctly and promptly certify to the Controller all changes, modifications, additions and deletions to the pay roll roster in compliance with all applicable civil service, fiscal, and other pertinent laws, rules. and regulations. The Controller shall disburse or otherwise act in reliance upon all pay roll roster certifications and attendance reports certified to the Controller by the respective appointing powers.

Audits

12476. The Controller may audit the uniform state pay roll system, the State Pay Roll Revolving Fund, and related records of state agencies within the uniform state pay roll system, in such manner as the Controller may determine.

Exemption from Administrative Procedure Act

12477. Rules and regulations adopted under this article or Section 12420 are excepted from the provisions of the Administrative Procedure Act and shall be distributed in such form and manner as the Controller determines.

Repeal

SEC. 2. Sections 16396 and 18002 of the Government Code are repealed.

CHAPTER 1147

An act authorizing the sale or exchange of state property and providing for the disposition of the proceeds from said sale or exchange.

In effect September 22, 1951

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

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

Sale of real property

SECTION 1. The Director of Finance is hereby authorized to sell for value, and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interests of the State, the following real property:

Parcel 1. Situated in the County of Sacramento, State of California, described as follows: All of Lot 4, in block bounded by Eighth and Ninth and L and M Streets of City of Sacramento, according to the official plat thereof.

Parcel 2. Situated in the County of San Bernardino, State of California, described as follows: Lots 62 and 63, Section 30, Township 2 South, Range 7 West, San Bernardino Base and Meridian, according to the map of the subdivision of part of Rancho Santa Ana del Chino, in the County of San Bernardino, State of California, as per plat recorded in Book 6 of Maps, page 15, records of said County of San Bernardino.

Parcel 3. Situated in the County of Humboldt, State of California, more particularly described in that certain deed dated September 23, 1931, between John B. Coleman and Rosamond C. Coleman as grantors and the State of California as grantee, recorded October 13, 1932, in Book 208 of Deeds, page 158 of the records of the County of Humboldt.

Parcel 4. Situated in the County of Siskiyou, State of California, more particularly described in that certain deed dated September 23, 1931, between John B. Coleman and Rosamond C. Coleman as grantors and the State of California as grantee, recorded October 13, 1932, in Volume 40, page 81 of the Official Records of Siskiyou County.

Parcel 5. Situated in the County of Alameda, State of California, more particularly described in that certain trustee's deed dated May 25, 1950, between Bank of America National Trust and Savings Association, as trustee under the last will and testament of Edward Frank, deceased, as party of the first part, and the State of California as party of the second part, recorded July 3, 1950, in Book 6154, page 198, Official Records of Alameda County, California.

Parcel 6. The west 20 feet of the south half of the east half of Lot 6, in the block bounded by "L" and "M," Eighth and Ninth Streets of the City of Sacramento, according to the official map or plan of said city.

Parcel 7. The east 20 feet of the south half of the east half of Lot 6, in the block bounded by "L" and "M," Eighth and Ninth Streets of the City of Sacramento, according to the official map or plan of said city.

Parcel 8. The west half of the south half of Lot 5, in the block bounded by "L" and "M," Eighth and Ninth Streets, of the City of Sacramento, as shown on the official map or plan of said city.

Same

SEC. 2. The Director of Finance, with the consent of the Director of Education, is hereby authorized to sell or to grant and convey for value, and upon such terms, as in his opinion may be for the best interests of the State, the following real property:

Parcel 1. Situated in the County of Sacramento and described as follows: A parcel of land comprising approximately 2.1 acres, more or less, situated in the County of Sacramento, at the site for construction of the Sacramento State College in exchange for a grant deed to the State of an approximate similar area of land adjacent to the site of said college.

Parcel 2. Situated in the County of Sacramento, State of California, and described as follows: All of that certain parcel of real property comprising 7.70 acres, more or less, lying in and being a portion of Section 10, Township 8 North, Range 5 East, and described approximately as follows: Beginning at a point from which a concrete monument situated at the southeast corner of that certain 135.5 acre tract of land described in deed to W. W. White and George Terry, dated February 11, 1907, and recorded in Book 252, page 232, of Deeds, County of Sacra-

mento, bears south 13° 07′ 05″ east 20.24 feet; and from said concrete monument, a certain stone monument located at the northwest corner of Section 15, Township 8 North, Range 5 East, situated on the easterly line of 65th Street bears south 87° 38′ 44″ west 3053.94 feet; thence from said point of beginning and along the easterly boundary of said 135.5 acre tract north 13° 07′ 05″ west 1977.58 feet to a concrete monument on the southerly bank of the American River from which last named point a concrete monument at the southwest corner of that certain 6.517 acre tract comprising the right of way of the American River Flood Control District bears south 13° 07′ 05″ east 135.00 feet; thence from said concrete monument on the southerly bank of the American River south 3° 1′ 32″ east 1893.77 feet to a 1½″ diameter iron pipe monument in a fence corner; thence south 1° 31′ 27″ east 41.86 feet to a point; thence north 88° 50′ 40″ east 347.84 feet along a fence line to the point of beginning.

Same

SEC. 3. The Director of Finance is hereby authorized to execute to purchaser for and on behalf of and in the name of the State of California, deeds of conveyance of said real property in such form as he may deem to be in the best interests of the State, and deliver the same upon the payment of the full amount of the purchase price. Said deeds shall be effectual to pass and convey to the said purchaser all of the right, title, interest and estate of the State of California in and to said real property.

Prior to the sale or exchange of the property indicated as Parcel 3 in Section 1 of this act, the Director of Finance shall first determine what portion of said Parcel 3 is required by the Division of Highways, and the portion so required by the Division of Highways shall be reserved from any sale or exchange hereunder.

The deeds of conveyance of the property indicated as Parcels 3 and 4 in Section 1 of this act shall contain a reservation of the right of the people to fish upon and from such lands pursuant to Section 25 of Article IV of the Constitution and shall also contain such reservations and conditions as may be required by the Fish and Game Commission.

Disposition of proceeds

SEC. 4. Any moneys received from the sale or exchange of any of such property in Section 1 of this act shall be paid into the General Fund in the State Treasury.

Exchange of specific property

SEC. 5. The Director of Finance, with the consent of the Director of Education, is hereby authorized to exchange for other property upon such terms, as in his opinion may be for the best interests of the State that certain piece or parcel of land situate, lying and being in the south one-half of Section 28, T. 6 N., R. 1 E., H. B. & M., County of Humboldt, State of California, and described as follows:

Beginning at the center of Section 28, T. 6 N., R. 1 E., H. B. & M., and running thence south 950.00 feet along the north-south center line of said Section 28; thence N. 85° 15′ 10″ W. 505.20 feet to the easterly boundary line of Bay View Street;

thence along said easterly line of Bay View Street S. 15° 15′ W. 350.00 feet to the southerly line of 16th Street; thence N. 74° 45′ W. 300.00 feet along said southerly line of 16th Street to its intersection with the easterly line of Spring Street; thence along said easterly line of Spring Street S. 15°, 15′ W. 425.00; thence leaving said line and continuing the following courses and distances:

S. 74° 45′ E. 490.00 feet; N. 79° 30′ E. 67.00 feet; N. 15° 15′ E. 95.00 feet; E. 386.00 feet; N. 77° 00′ W. 132.00 feet; N. 64° 00′ W. 347.00 feet; N. 1° 00′ E. 53.00 feet; N. 69° 30′ E. 89.00 feet; N. 17° 30′ E. 181.00 feet; N. 6° 30′ W. 188.00 feet; N. 44° 30′ E. 56.00 feet; S. 53° 30′ E. 335.00 feet; S. 85° 15′ E. 89.50 feet; N. 6° 45′ E. 183.00 feet; N. 36° 00′ E. 93.00 feet; N. 57° 15′ E. 113.00 feet; N. 80° 15′ E. 784.00 feet; N. 97.00 feet; N. 88° 00′ W. 505.00 feet; N. 78° 30′ W. 265.00 feet; N. 58° 30′ W. 171.00 feet; N. 8° 00′ W. 440.00 feet to the point of beginning.

Said parcel containing 13.84 acres, more or less.

SEC. 6. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission. Copies of conveyances

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CHAPTER 1148

An act to amend Sections 11005, 13370, and 18004 of the Government Code, relating to approval powers of the Director of Finance or the Department of Finance.

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 11005 of the Government Code is amended to read:

11005. Unless the Legislature specifically provides that approval by the Director of Finance is not required, every gift to the State of personal property or every gift to the State of real property in fee or in any lesser estate or interest and every contract for the acquisition or hiring of real property in fee or in any lesser estate or interest, entered into by or on behalf of the State, shall be approved by the Director of Finance. Any contract entered into in violation of this section is void. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein. This section does not apply (1) to unconditional gifts of money or (2) to the acquisition or hiring by the Department of Public Works of real property in fee or in any lesser estate or interest for highway purposes but does apply to the hiring by that department of office space in any office building or (3) to contracts entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code. Property gifts, etc., approval

SEC. 2. Section 13370 of the Government Code is amended to read:

Approval of contracts

13370. All contracts entered into by any state agency for (a) the hiring or purchase of equipment, supplies, materials, or of textbooks for use in the day and evening elementary schools of the State, (b) services, whether or not the same involve the furnishing or use of equipment, materials or supplies or are performed by an independent contractor, (c) the construction, alteration, improvement, repair or maintenance of property, real or personal, or (d) the performance of work or services by such state agency for or in cooperation with any person, or public body, are of no effect unless and until approved by the Department of Finance. Every such contract shall be transmitted with all papers, estimates, and recommendations concerning it to the department and, if approved by the department, shall be effective from the date of such approval. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein. This section shall not apply to any contract let by the Department of Public Works under the State Contract Act, nor to any contract of a type specifically mentioned and authorized to be entered into by said department under the Streets and Highways Code, nor to any contract let by the Legislature, nor to any contract entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code.

SEC. 3. Section 18004 of the Government Code is amended to read:

Approval of salaries

18004. Unless the Legislature specifically provides that approval of the Department of Finance is not required, whenever any state agency or court is authorized by special or general statute to fix the salary or compensation of an employee or officer, which salary is payable in whole or in part out of state funds, the salary is subject to the approval of the Department of Finance before it becomes effective and payable.

CHAPTER 1149

An act to amend Sections 11166.12, 11714, and 11715.6 of the Health and Safety Code, relating to narcotics.

In effect September 22, 1951

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

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

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

Narcotic prescriptions Exceptions

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other non-narcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other non-narcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

Any of the combinations mentioned in the above subsections must be in the handwriting of the prescriber on the prescriber's regular prescription blanks.

SEC. 2. Section 11714 of said code is amended to read:

Minors, offenses relating to narcotics

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any narcotic, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than one year nor more than six years, and for each subsequent offense shall be imprisoned in the state prison for not less than six years.

SEC 3. Section 11715.6 of said code is amended to read:

Probation prohibited

11715.6. In no case shall any person convicted of violating Sections 11712, 11713, 11714, 11715, or of committing any offense referred to in those sections be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

CHAPTER 1150

An act to add Sections 8151.1 and 16276 to the Education Code, all relating to aid by the public schools in the harvesting of crops.

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 8151.1 is added to the Education Code, to read:

Harvesting by students

8151.1. During any 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, upon a finding by the California Department of Employment that spoilage of a perishable crop will result because of a critical shortage of farm labor the governing board of a school district in which such crop is located may maintain the schools of the district on

Saturdays, the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, and the eleventh day of November, in order to make pupils of the district available for the harvesting of crops without undue reduction in the number of days the schools of the district are maintained.

Nothing in this section shall permit or allow any student under the age of fourteen (14) to harvest such crops nor shall any student be permitted or allowed to use or to be in a position to use any dangerous equipment.

SEC. 2. Section 16276 is added to said code, to read:

Transportation

16276. During any 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 governing board of a school district may operate any bus owned or under lease to the district for the transportation of pupils of the district engaged in the harvesting of crops to and from the places of harvest and shall require the payment of a reasonable charge for transportation furnished.

CHAPTER 1151

An act to amend Sections 5003 and 5006.5 of the Public Resources Code, relating to powers and duties of State Park Commission.

In effect September 22, 1951

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

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

SECTION 1. Section 5003 of the Public Resources Code is amended to read:

State Park Commission. Duties

5003. The State Park Commission shall administer, protect, and develop the State Park System for the use and enjoyment of the public. It may establish rules and regulations not inconsistent with law for the government and administration of the State Park System. It may enter into contracts with cities, counties, or other subdivisions of the State, for the care and maintenance of park areas, and it may expend all moneys of the State Park Commission, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the State Park System.

It may enter into contracts with persons, firms or corporations to maintain and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the State Park System. The commission shall obtain the approval of the Department of Finance before entering into any such contract if the contract would authorize occupancy for a period of more than one year of property owned by the State.

SEC. 2. Section 5006.5 of the Public Resources Code is amended to read:

5006.5. The State Park Commission, with the consent of the Department of Finance, may lease any interest in real property which the commission deems necessary or proper for the extension, improvement, or development of the State Park System. No payment from state money in excess of one thousand dollars ($1,000) a year shall be made pursuant to any such lease unless and until money equal to or exceeding one-half of the excess over one thousand dollars ($1,000) shall have been made available for expenditure by the State for the purpose by some person, corporation, public district, municipality or political subdivision other than the State, or by the United States or an agency thereof. Same Leasing property

CHAPTER 1152

An act to amend Section 692.5 of the Political Code and Sections 8361 and 8678 of the Water Code, relating to flood control, in respect to the Sacramento River Flood Control Project and the powers of the Reclamation Board over the use of real property.

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.] In effect September 22, 1951

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

SECTION 1. Section 692.5 of the Political Code is hereby amended to read as follows:

692.5. Every lease, rental, letting or license to use real property owned in fee by the Sacramento and San Joaquin Drainage District, which is executed by the Reclamation Board of the State of California, shall be subject to the approval of the Director of Finance. Approval of leases etc

SEC. 2. Section 8678 of the Water Code is amended to read:

8678. Every lease, rental, letting or license to use real property owned in fee by the Sacramento and San Joaquin Drainage District, which is executed by the board shall be subject to the approval of the Director of Finance. Same

SEC. 3. Section 8361 of said code is amended to read:

8361. The department, acting by and through the State Engineer, shall maintain and operate on behalf of the State the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the State. Flood control project maintenance

(a) The east levee of the Sutter By-pass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035,

Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter By-pass.

(d) The by-pass channels of the Butte Slough By-pass, the Sutter By-pass, the Tisdale By-pass, the Yolo By-pass and the Sacramento By-pass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento By-pass.

(f) The channels and overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District.

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo By-pass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo By-pass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek settling basin.

Effect Stats 1951, Ch 286

SEC. 4. Section 2 of this act becomes operative only if the Legislature at its 1951 Regular Session repeals Section 692.5 of the Political Code and in such case at the same time said repeal takes effect.

CHAPTER 1153

An act to add Sections 679.2 and 679 3 to the Vehicle Code, relating to rules governing the loading and securement of lumber and lumber products and hay in bales.

In effect September 22, 1951

[Approved by Governor June 21, 1951 Filed with Secretary of State June 21, 1951]

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

SECTION 1. Section 679.2 is added to the Vehicle Code, to read:

Loading and securement of lumber products

679.2. Loading and Securement of Lumber and Lumber Products. The following are the rules governing the loading

and securement of lumber and lumber products for transportation over public highways on flat bed or lumber roll vehicles:

Part 1. General Rules
(Applicable to Lumber, Ties, Laths, Grape Stakes, Fence Posts, Plywood, Shingles)

Definitions

1. Definitions. a. Unit is a package or solid unit of lumber or lumber products not over five feet (5′) in height.

b. Solid unit is a unit containing lumber or lumber products of the same approximate thickness in any one course and in which the width of said course constitutes the load width; provided, that such load width exceeds five feet (5′).

c. Package unit is a compact unit of lumber or lumber products less than five feet (5′) in width and more than eighteen inches (18″) in height, designed for loading or unloading by mechanical lumber handling vehicles.

d. Load is one or more units.

e. Course is one layer of lumber or lumber products.

f. Stickers are the horizontal separators between courses placed at right angles to board lengths. They shall be at least one inch (1″) wider than their thickness; provided, that their thickness shall not be less than three-eighths inch ($\frac{3}{8}$″). Stickers shall extend the full width of the unit. Stickers may be lapped provided such lap is twelve inches (12″) or more.

g. Unit separator is the horizontal or vertical separator between units or horizontally between the load and the vehicle bed placed at right angles to board lengths. Such separator shall be not less than one inch (1″) thick by three inches (3″) wide which shall have units resting against their maximum dimensions, shall extend the full width or height of the unit or load, and shall be in one piece without splicing.

h. Binder is the rope or chain securing the load to the vehicle.

Binder requirements

2. Minimum binder requirements (shall be tight at all times except as provided in Rule 4. Molly Hogans and lapped cold shuts prohibited except in an emergency.)

a. Three-eighths inch ($\frac{3}{8}$″) wire rope. Plow steel.

b. Five-sixteenths inch ($\frac{5}{16}$″) high test steel chain.

c. One and one-fourth inch ($1\frac{1}{4}$″) diameter manila rope (knot free).

d. Binders shall be attached from one side of the vehicle to the other side unless otherwise provided herein.

e. Each load binder shall be provided with a locking type winch or similar tightening device.

f. There shall not be more than one (1) binder secured to a winch or similar tightening device.

g. Binders shall not be closer together than the tightening devices to which they are attached.

h. Unless otherwise provided, binders shall be located not less than one foot (1′) from the end of the shortest length in the top course or outside tier of the load.

Bulkheads

3. Bulkheads. A substantial bulkhead shall be provided which shall extend up to the approximate height of the driver's compartment.

Inspections

4. Inspections. Binders and binder winches or similar tightening devices shall be maintained in good condition. Inspections shall be made en route to assure that binders are tight, unit separators are in position as required, stakes, racks and tarpaulins are in position as required, and that load or portion of load does not contain projections beyond the width limits of the vehicle. When side projections exist in the load, or if due to shifting or otherwise the load becomes unstable, the vehicle shall be driven from the main traveled portion of the public highway and shall not be again moved upon the main traveled portion of a public highway until corrective load adjustments are made.

Load height

5. Load height shall not exceed twice that of the load width. Nothing in this rule shall be construed as an exemption from the load height provisions of this code.

Stakes

6. Stakes. a. When wooden stakes are used, unless otherwise provided, stakes shall be not less than two inches by four inches (2″ x 4″) in thickness and width, respectively. Stakes must be straight grained and free from strength impairing knots.

b. Stakes supporting loads shall be connected one to the other longitudinally at or near the top by binder or steel strap material or by one continuous length of lumber not less than one inch by four inches (1″ x 4″) in thickness and width, respectively, securely attached to each stake by nails or bolts.

c. When stakes are supporting loads in excess of two feet (2′) and less than five feet (5′) in height, each opposite pair of stakes shall be connected across the top of the load by materials similar to those described in Rule 6b.

d. Loads in excess of five feet (5′) in height shall have opposite stakes connected across the top of the load by materials similar to those described in Rule 6b and, in addition, shall be connected at the approximate vertical midpoint by binder or steel strap material.

e. Stakes shall be as equally spaced as possible.

f. Front and rear stakes shall be connected to side stakes by use of binder or steel strap material.

g. A bulkhead may be substituted for the front stakes prescribed herein provided that side stakes are connected thereto with binder or steel strap material.

Stake pockets

7. Stake Pockets. A stake pocket shall be designed to accept the stake and be equal to the stake strength.

Racks

8. Racks. a. The wooden vertical members of racks prescribed herein shall be not less than two inches by four inches (2″ x 4″) in thickness and width, respectively.

b. Side racks shall be connected to the end racks at each top corner by a locking device.

c. A bulkhead may be substituted for the front end rack where prescribed herein provided that the side racks shall be secured thereto with binder or steel strap material or locking device.

d. When racks are supporting loads in excess of five feet (5′) in height, not less than three (3) pairs of opposite vertical members shall be connected across the top of the load by binder or steel strap material or by a continuous length of lumber at least one inch by four inches (1″ x 4″) in thickness and width, respectively, securely attached to each stake by nails or bolts and, in addition, said opposite vertical members shall be connected at the approximate vertical midpoint by binder or steel strap material.

Rollers

9. When rollers are used there shall be at least two (2) of such rollers equipped with locks which shall be locked when supporting loads during transit.

Part 2. Lumber, Ties, Laths, Grape Stakes, Fence Posts

Construction of units

10. Construction of Units. a. Stickers, as defined in Rule 1f, shall be located not less than one foot (1′) from each end of the shortest length in the unit at point of sticker.

b. Solid units over three feet (3′) in height shall have stickers at approximately one-third ($\frac{1}{3}$) and two-thirds ($\frac{2}{3}$) the distance from top to bottom of the unit unless board width exceeds six inches (6″) at which time stickers shall be placed at the approximate vertical midpoint.

Construction of loads

11. Construction of Loads. a. Unit separators, as defined in Rule 1g, shall be located not less than one foot (1′) from each end of the shortest length in the face of the unit touching the separator. There shall be not less than two (2) of such separators per unit length of less than twelve feet (12′). Unit lengths exceeding twelve feet (12′) shall have three (3) of such separators, equally spaced.

b. Solid loads shall contain horizontal unit separators located at levels not more than five feet (5′) apart, measured from the bottom of the load.

c. Combination loads containing package units resting upon a solid unit shall have horizontal separators between each of such units.

d. Package unit loads containing two (2) or more package units, one on the other, side by side, shall have horizontal unit separators between each of the said units. Such separators shall extend the width of the unit or load when the package units resting side by side are of the same close approximate height.

e. Laths shall not be stacked to a height exceeding eight feet (8′) above top of vehicle bed unless one (1) longitudinal binder is provided per unit width or length in addition to the cross binders required herein.

Binding loads

12. Binding Loads. a. Loads not to exceed five feet (5′) in height shall be secured to the vehicle with two (2) or more binders per unit length, except, however, if unit lengths are twelve feet (12′) or more in length such loads shall be secured by three (3) or more binders per unit length, and except that loads of laths shall have one (1) or more binders per unit width or length at the approximate center thereof.

b. Loads exceeding five feet (5′) in height shall be secured to the vehicle with three (3) or more binders per unit length, except that loads of laths shall have one (1) or more binders per unit width or length at the approximate center thereof.

Part 3. Plywood

Construction of loads

13. Construction of Loads. a. Combination loads consisting of a solid unit of lumber or lumber products at the lower portion with package units of plywood resting thereon shall have horizontal separators between each of such units.

b. Package unit loads containing two (2) or more package units, one on the other, side by side, shall have horizontal unit separators between each of said units. Such separators shall extend the width of the unit or load when the package units resting side by side are of the same close approximate height.

Binding loads

14. Binding Loads. a. Loads not to exceed five feet (5′) in height shall be secured to the vehicle with two (2) or more binders per unit length.

b. Loads exceeding five feet (5′) in height shall be secured to the vehicle with three (3) or more binders per unit length.

c. Pyramid loads consisting of two (2) or more units, side by side on the lower portion, with one (1) or more units resting in the approximate center equally on the lower units, shall have four (4) binders. Two (2) of such binders shall secure the top units and one (1) each of the remaining binders shall secure the lower units.

d. Binders, as required under Rules 14a and 14b, shall not be required when prescribed stakes or side racks are provided; when there are not less than two (2) of such stakes or vertical members of such side racks per unit width or unit length (unless such stakes or vertical members of side racks are located less than four feet (4′) apart); when such stakes or the vertical members of such side racks are secured in place in prescribed stake pockets on four (4) sides of the load; when the height of such stakes or side racks exceeds the height of the load; and provided further, that the load is secured in place with wooden blocks or wedges or other materials to prevent the lateral or longitudinal movement of such load within such rack or stake limits. When plywood loads are constructed in the manner set forth in this rule, the top portions of such loads shall be protected against being lifted from the load by wind by the placing of heavy materials thereon or by heavy tarpaulin covering which shall be secured to the vehicle at each corner and at the outside four (4) mid-points of such tarpaulin.

Part 4. Shingles

Shingles

15. a. Loads of shingles four (4) or more courses in height shall not be transported on open top vehicles, except as provided in Rule 15b, unless such load is protected on four (4) sides by the prescribed racks secured in stake pockets of the type and in the manner prescribed in the General Rules.

b. Rule 15a shall not apply to shingles mixed with other products; provided, that the loading procedures and location of such other products have the same absolute confining effect on the shingles as the prescribed racks.

c. Loads of shingles less than four (4) courses in height shall have each unit (or tier) secured to the vehicle with one (1) or more binders equipped and tensioned as prescribed in the General Rules, except that single bundles of shingles may be attached to the load or to the vehicle in any secure manner.

Part 5 Retail Deliveries

Application

16. The provisions of the foregoing rules 1 to 15, inclusive, shall not apply to loads of lumber or other forest products being transported from retail lumber yards to the property of a consumer. Such loads, however, shall be secured against dangerous displacement either by proper piling or securing in a manner as to prevent shifting, toppling over, or otherwise becoming unstable.

SEC. 2. Section 679.3 is added to said code, to read:

Loading and securement of hay

679.3. Loading and Securement of Hay in Bales. The following are the rules governing the loading and securement of hay in bales for transportation over public highways by motor vehicles:

Binder requirements

1. Minimum Binder Requirements.

a. Three-eighths inch ($\frac{3}{8}$") wire rope. Plow steel.

b. Five-sixteenths inch ($\frac{5}{16}$") high test steel chain.

c. Three-fourths inch ($\frac{3}{4}$") diameter manila rope (knot free).

d. Lapped cold shuts are not permitted in chains.

e. Binders shall be attached from one end of the vehicle to the other end unless otherwise provided.

f. Each load binder shall be provided with a locking type winch or other equally effective tightening device.

g. There shall not be more than one (1) binder secured to a winch.

h. Spare Binders. At least one (1) spare binder shall be carried on each vehicle in addition to the number initially required for load securement.

i. V Boards shall be used beneath binders where they pass over the top edge of the load. V Boards shall consist of two (2) paralleling pieces of lumber not less than thirty-six inches (36") in length and one inch by three inches (1" x 3") in thickness and width, respectively, attached together with flexible material near each end with spacing between boards of approximately

eight inches (8″). It is strongly urged that V Boards extend over the entire length of the edge of the load over which the binders pass.

Inspections

2. Inspections. Binders securing loads of baled hay shall be tightened and locked prior to a vehicle entering upon a public highway and inspection shall be made en route to assure that the load is stable and that the binders are tight and locked. If the load becomes unstable due to shifting or otherwise, the vehicle shall be driven from the main traveled portion of the public highway and shall not be again moved upon the main traveled portion of a public highway until corrective load or binder adjustments are made except as specified in rule 7e.

Construction of loads

3. Construction of Loads. a. Loads of baled hay shall be solidly packed and shall be stable without binders.

b. Loading methods shall result in completely tying the load together by alternating bale lengths and interlocking tiers.

Extension of hay beyond vehicle

4. No portion of a load of baled hay shall extend beyond the vehicle bed in the area between the truck bed and the trailer bed.

Same

5. No portion of a load of baled hay shall extend more than one-third (⅓) bale length beyond the rear end of the trailer bed or the ends of the truck bed, without trailer, or the ends of the semitrailer bed, except that not more than three feet (3′) load extension is permitted beyond the front end of the truck bed over the driver's compartment or sleeper berth; provided, this portion of the load is supported by permanent substantial steel construction; and further provided, such load portion is tied into the remainder of the load by interlocking tiers.

Loads

6. Loads of three (3) wire and five (5) wire baled hay shall be limited to seven (7) bales in height when bales are loaded flat and six (6) bales in height when bales are loaded otherwise. Nothing in this section shall be construed as an exemption from the load height provisions of this code.

Binding loads

7. Binding Loads. a. Loads of baled hay shall be secured to the vehicle by not less than two (2) longitudinal binders which shall be securely attached to the vehicle bed at the front and rear ends near each corner.

b. When ratchets are employed as binder tighteners on loads of baled hay, the binders shall be crossed at the approximate top center of the load to attach from left front to right rear and right front to left rear of vehicle bed.

c. When ratchets are not employed as binder tighteners on loads of baled hay, the binders shall extend longitudinally over the load and shall be tightened by drawing the binders together at the approximate top load center using pulleys, double blocks, fence stretcher, or equally effective mechanical means.

d. Loads of baled hay consisting of two (2) rope bales shall be secured to the vehicle by not less than four (4) cross binders in addition to the longitudinal binders otherwise prescribed unless the load is retained on four (4) sides by racks.

e. Where due to shifting or otherwise, a load of baled hay becomes unstable en route or contains projections beyond the width limits of the vehicle, cross binders shall be added unless load readjustments are made effective in compliance with Rule 2.

8. Racks. a. Wooden vertical members of racks shall be not less than two inches by four inches (2″ x 4″) in thickness and width, respectively, and shall be straight grained and free from strength impairing knots. Racks

b. Side racks shall be connected to the end racks at each top corner by a locking device.

c. A bulkhead may be substituted for the front end rack; provided, that the side rack shall be secured thereto with binder material or locking device.

9. The provisions of this section shall not apply to a farmer transporting his own hay incidental to his farming operations where such transporting requires that he use the public highways; provided, however, that nothing herein shall relieve such farmer from loading and securing such hay in a safe manner. Application

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CHAPTER 1154

An act to amend Sections 985.5, 986.3, and 986.5 of the Military and Veterans Code, relating to the purchase of farms and homes by veterans.

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 985.5 of the Military and Veterans Code is amended to read:

985.5. No veteran shall receive the benefits hereof who, in the case of the purchase of a farm would thereby become the holder of real estate exceeding in value sixteen thousand five hundred dollars ($16,500) or who in the case of the purchase of a home would thereby become the holder of real estate exceeding in value eleven thousand five hundred dollars ($11,500). Limitation

SEC. 2. Section 986.3 of said code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if: Conditions of acquisition

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

(b) The veteran has agreed with the department actually to reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The purchase price to the department of the property, or the sum to be expended by the department pursuant to a

contract for the construction of a dwelling house and other improvements, does not exceed the sum of fifteen thousand dollars ($15,000) in the case of a farm, or eight thousand five hundred dollars ($8,500) in the case of a home.

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of material men and labor furnishing material or labor on the job, executed by a surety company authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The total value of said real property and the improvements to be constructed thereon in accordance with the contract, plans and specifications submitted shall not exceed the sum of eleven thousand five hundred dollars ($11,500) in the case of a home or sixteen thousand five hundred dollars ($16,500) in the case of a farm.

(6) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

SEC. 3. Section 986.5 of said code is amended to read:

Purchase price

986.5. The purchase price of a home to the department, shall not exceed the sum of eight thousand five hundred dollars ($8,500), and a veteran purchasing the home may advance the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran, but in no case shall the total value thereof after completion of construction exceed eleven thousand five hundred dollars ($11,500). The purchase price of a farm to the department shall not exceed fifteen thousand dollars ($15,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the

department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran, but in no case shall the total value of the farm and the dwellings and improvements thereon exceed sixteen thousand five hundred dollars ($16,500).

CHAPTER 1155

An act to amend Section 425 of the Education Code, relating to county school superintendents' salaries in counties of the twenty-fifth class.

[Approved by Governor June 21, 1951. Filed with Secretary of State June 21, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 425 of the Education Code is amended to read:

425. The annual salary of the county superintendent of schools of a county of the twenty-fifth class is five thousand dollars ($5,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Santa Cruz County, superintendent of schools Salary

CHAPTER 1156

An act to amend Sections 14030, 14032 and 14034 of the Government Code, relating to special revolving funds and the expenditure of General Fund money therein and the disposition of the unencumbered balance of moneys from other sources transferred thereto.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 14030 of the Government Code is amended to read:

14030. The Division of Architecture Revolving Fund in the State Treasury is continued in existence. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Division of Architecture, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Architecture, when approved by the Department of Finance.

Division of Architecture Revolving Fund

Money so transferred or deposited is available for expenditure by the Division of Architecture for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

No money in such fund which is derived from an appropriation from the General Fund shall be used to pay the charges imposed by Sections 18750, 11044 or 20752 of the Government Code or the charges imposed pursuant to Articles 2 or 3 of Chapter 3, Part 1, Division 3, Title 2 of said code.

SEC. 2. Section 14032 of said code is amended to read:

Records

14032. The Division of Architecture shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unencumbered balance in any portion of the fund shall either within three months after completion of the project for which such portion was transferred or within three years from the time such portion was transferred or deposited therein, whichever is the earlier, be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than state appropriations, be paid out or refunded as provided in the agreement relating to the contributions; provided, that on approval of the Department of Finance the time of such withdrawal may be extended.

For the purpose of this section an estimate, prepared by the Division of Architecture upon receipt of bids, of the amount required for supervision, engineering, and other items, if any, necessary for the completion of a project on which a construction contract has been awarded shall be deemed a valid encumbrance and be included with any other valid encumbrances in determining the amount of an unencumbered balance.

SEC. 3. Section 14034 of said code is amended to read:

Water Resources Revolving Fund

14034. The Water Resources Revolving Fund in the State Treasury is continued in existence. The Water Resources Revolving Fund is the successor to the Water Resources Fund. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Division of Water Resources or of the Department of Public Works, acting through the State Engineer, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Division of Water Resources or the Department of Public Works, acting through the State Engineer, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Water Resources or the Department of Public Works, acting through the State Engineer, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

No money in such fund which is derived from an appropriation from the General Fund shall be used to pay the charges imposed by Sections 18750, 11044 or 20752 of the Government Code or the charges imposed pursuant to Articles 2 or 3 of Chapter 3, Part 1, Division 3, Title 2 of said code.

CHAPTER 1157

An act to amend Section 13842 of, and to add Section 13842.1 to, the Education Code, relating to the minimum annual salaries of persons employed by school districts in positions requiring certification qualifications.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 13842 of the Education Code is amended to read:

13842. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than three thousand dollars ($3,000). Minimum salaries

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to three thousand dollars ($3,000) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year. "Full time"

The provisions of this section shall not be construed as applying to substitute employees of a school district.

SEC. 2. Section 13842.1 is added to said code, to read:

13842.1. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under an emergency credential or provisional credential an annual salary of not less than two thousand four hundred dollars ($2,400). Same

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under an emergency credential or provisional credential an annual salary of not less than an amount which bears the same ratio to two thousand four hundred dollars ($2,400) as the time required of the person bears to the time required of a person employed full time.

"Full time" "Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

Operative SEC. 3. This act shall not become operative until July 1, 1952.

CHAPTER 1158

An act to amend Sections 20344 and 20344.1 of the Education Code, relating to the support of the public schools.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SECTION 1. Section 20344 of the Education Code is amended to read:

Disposition of fees 20344. All fees collected from students in any state college and from other persons under this article are hereby appropriated for the support of the state college by which collected in addition to such other amounts as may be appropriated therefor by the Legislature. Such fees shall augment such support appropriation of the state college current at the date of issuance of the State Controller's receipt therefor as may be designated by the state college prior to their deposit in the State Treasury.

SEC. 2. Section 20344.1 of the Education Code is amended to read:

Disposition of federal funds 20344.1. All moneys received by or for any school or college under the jurisdiction of the Department of Education from any agency of the Federal Government, directly or indirectly, for the education of veterans, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature. Such moneys shall augment such support appropriation of the state college current at the date of issuance of the State Controller's receipt therefor as may be designated by the state college prior to their deposit in the State Treasury.

California State Polytechnic College SEC. 3. All fees or other moneys heretofore deposited in the General Fund to the credit of an appropriation for support of California State Polytechnic College pursuant to the provisions of Section 20344 or 20344.1 of the Education Code and

remaining unexpended on the effective date of this act shall be transferred on order of the State Controller, from the General Fund to the Fair and Exposition Fund, and shall be credited to the support appropriation for California State Polytechnic College which was current on the date of issuance of the Controller's receipt covering the original deposit of such fees or other moneys in the General Fund.

Effect Stats 1951, Ch 723

SEC. 4. Section 2 of this act shall not become operative if Chapter 1.5 is added to Division 10 of the Education Code by enactment of the Legislature at its 1951 Regular Session, and in such case, Section 2 of this act is repealed at the same time as said Chapter 1.5 of Division 10 of said code takes effect.

CHAPTER 1159

An act to add Article 1, comprising Sections 1181, 1182, 1183.1, 1184.1, 1185.1, 1186.1, 1187.1, 1188 1, and 1189.1, Article 2, comprising Sections 1190.1, 1191.1, and 1192.1, Article 3, comprising Sections 1193.1, 1194.1, and 1195.1, and Article 4, comprising Sections 1196.1, 1197.1, 1198.1, 1199.1, 1199 2, 1200, 1200 1, 1201.1, 1202.1, and 1203.1, to Chapter 2, Title 4, Part 3 of the Code of Civil Procedure; to add Section 3060 to the Civil Code; to repeal Sections 1183, 1184, 1184a, 1184b, 1184c, 1184d, 1184e, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1191a, 1191b, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, and 1203 of the Code of Civil Procedure; and to add Section 5463 to the Health and Safety Code; to consolidate and clarify the law relating to mechanics' liens.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

SECTION 1. Articles 1 to 4, inclusive, are added to Chapter 2 of Title 4, Part 3 of the Code of Civil Procedure, to read:

Article 1. Nature, Scope and Priority of the Lien

Liens

1181. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, teamsters and draymen, and all persons and laborers of every class performing labor upon or bestowing skill or other necessary services on, or furnishing materials to be used or consumed in, or furnishing appliances, teams, or power contributing to, the construction, alteration, addition to, or repair, either in whole or in part, of, any building, structure, or other work of improvement shall have a lien upon the property upon which they have bestowed labor or furnished materials or appliances for the value of such labor done or materials furnished and for the value of the use of such appliances, teams, or power, whether done or furnished

at the instance of the owner or of any person acting by his authority or under him, as contractor or otherwise.

Definitions

1182. (a) For the purposes of this chapter, "work of improvement" includes, but is not restricted to, the construction, alteration, addition to, or repair, in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, or wagon road, the seeding, sodding, or planting of any lot or tract of land for landscaping purposes, the filling, leveling, or grading of any lot or tract of land, the demolition of buildings, and the removal of buildings.

(b) For the purposes of this chapter, except as otherwise provided herein, "work of improvement" and "improvement" mean the entire structure or scheme of improvement as a whole.

(c) For the purposes of this chapter, every contractor, subcontractor, architect, builder, or other person having charge of the construction, alteration, addition to, or repair, in whole or in part, of any building or other work of improvement shall be held to be the agent of the owner.

Land subject to lien

1183.1. (a) The land upon which any building, improvement, well or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, to be determined by the court on rendering judgment, is also subject to the lien, if at the commencement of the work, or of the furnishing of the material for the same, the land belonged to the person who caused said building, improvement, well or structure to be constructed, altered or repaired, but if such person owned less than fee simple estate in such land, then only his interest therein is subject to such lien, except as provided in paragraph (b) of this section.

(b) Every building or other improvement or work mentioned in this chapter or in Section 3060 of the Civil Code or in Section 5463 of the Health and Safety Code constructed, altered or repaired upon any land with the knowledge of the owner or of any person having or claiming any estate therein, and the work or labor done or materials furnished mentioned in any of said sections with the knowledge of the owner or persons having or claiming any estate in the land, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any estate therein, and such interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this chapter, unless such owner or person having or claiming any estate therein shall, within 10 days after he shall have obtained knowledge of such construction, alteration or repair or work or labor, give notice that he will not be responsible for the same by posting a notice in writing to that effect in some conspicuous place upon the property, and shall also, within the same period, file for record a verified copy of said notice in the office of the county recorder of the said county in which said property or some part thereof is situated. Said notice shall contain a description of the property affected thereby sufficient for identification, with the name, and the nature of the title or interest of the person giving the same, name of pur-

chaser under contract, if any, or lessee if known; said copy so recorded may be verified by anyone having a knowledge of the facts, on behalf of the owner or person for whose protection the notice is given.

Same

1184.1. Any person who, at the instance or request of the owner (or any other person acting by his authority or under him, as contractor or otherwise) of any lot or tract of land, grades, fills in, or otherwise improves the same, or the street, highway, or sidewalk in front of or adjoining the same, or constructs or installs sewers or other public utilities therein, or constructs any areas, or vaults, or cellars, or rooms, under said sidewalks, or makes any improvements in connection therewith, has a lien upon said lot or tract of land for his work done and materials furnished.

Direct liens

1185 1. (a) The liens provided for by this chapter shall be direct liens and shall not in the case of any claimants other than the contractor be limited, as to amount, by any contract price agreed upon between the contractor and the owner except as hereinafter provided. Such liens shall not in any case exceed in amount the reasonable value of the labor done or the material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed. Such liens shall not, in any case where the claimant was employed by a contractor or subcontractor, extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made by or with the consent of such owner, and of which such contract or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials.

(b) The filing of an original contract for a work of improvement or of a modification of such original contract in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of actual notice of the provisions thereof by the owner to all persons performing work or furnishing materials thereunder.

(c) In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) percent of the contract price named in said contract, which bond shall, in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to, such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in or furnish appliances, teams, or power contributing to, the work described in said contract as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens pro-

vided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to claimants for such labor or materials or both.

(d) It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem necessary.

Recovery on lien

1186.1. (a) Any contractor shall be entitled to recover, upon a lien filed by him, only such amount as may be due him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished, as aforesaid, and embraced within his contract.

(b) In all cases where a claim of lien shall be filed under this chapter for work done or for materials furnished to any contractor, he shall defend any action brought thereon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien is filed. In case of judgment in such action against the owner or his property upon the lien, the said owner shall be entitled to deduct from any amount due, or to become due by him to the contractor, the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor, or his bondsmen or sureties on any bond given for the faithful performance of his contract, any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable.

(c) No act done by such owner in compliance with any of the provisions of this chapter shall be held to be a prevention of the performance of any such contract by the contractor, or to have exonerated the sureties on such or any bond given for faithful performance, or for the payment of liens of persons performing labor or furnishing materials, or both; provided, that such act was done in good faith and without design to injure or harass anyone.

Waiver of liens

1187.1. It shall not be competent for the owner and contractor, or either of them, by any term of their contract, or otherwise, to waive, affect, or impair the claims and liens of

other persons, whether with or without notice, except by their written consent, and any term of the contract to that effect shall be null and void.

Preferred liens

1188.1. The liens provided for in this chapter, except as otherwise in this article provided, are preferred to any lien, mortgage, deed of trust, or other encumbrance upon the premises and improvements to which the liens provided for in this chapter attach which may have attached subsequent to the time when the building, improvement, structure, or work of improvement in connection with which the lien claimant has done his work or furnished his material was commenced; also to any lien, mortgage, deed of trust, or other encumbrance of which the lien claimant had no notice and which was unrecorded at the time the building, improvement, structure, or work of improvement on which such lien claimant has done his work or for which he has furnished his material, appliances or power was commenced.

Commencement of work

1189.1. (a) If the work of improvement of the character referred to in Section 1184.1 is provided for in a separate contract from any contract or agreement with respect to the erection of residential units or other structures upon said lot or tract of land, then the work of improvement of the character referred to in that section shall be deemed a separate work of improvement and the commencement thereof shall not constitute a commencement of the work of improvement consisting of the erection of any residential unit or other structure upon said lot or tract of land.

Preferences

(b) The liens provided for in Section 1184.1 are preferred to (1) any mortgage, deed of trust, or other encumbrance which may have attached subsequent to the time when the work of improvement of the character referred to in that section in connection with which the lien claimant has done his work or furnished his materials was commenced; or to (2) any mortgage, deed of trust, or other encumbrance of which the lien claimant had no notice and which was unrecorded at the time when such work of improvement was commenced; or to (3) any mortgage, deed of trust, or other encumbrance recorded before the commencement of the work of improvement of the character referred to in that section which was given for the sole or primary purpose of financing such work of improvement unless the loan proceeds are, in good faith, placed in the control of the lender under a binding agreement with the borrower to the effect that such proceeds are to be applied to the payment of claims for labor performed or materials used or consumed in such work of improvement and that no portion of such proceeds will be paid to the borrower in the absence of satisfactory evidence that all claims for such labor or materials have been paid or that the time for filing claims of lien arising out of such work of improvement has expired and no such claims have been filed; provided, however, that in the event the owner of the land or the holder of any mortgage, deed of trust, or other encumbrance thereon shall procure or cause to

Bonds

be procured a bond with good and sufficient sureties which shall be conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and shall cause to be incorporated in said bond a provision by its express terms making it inure to the benefit of any and all persons who perform labor upon, or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter, or in a separate suit brought on said bond, then such mortgage, deed of trust, or other encumbrance shall be prior and paramount to the liens provided for in that section arising out of such work of improvement, irrespective of whether or not such mortgage, deed of trust, or other encumbrance attached before or after the time when the work of improvement commenced and irrespective of the nature or provisions for payment of the consideration of such mortgage, deed of trust, or encumbrance. Such bond given under this section must, in order to comply with its requirements, be either (1) a statutory labor and materials bond, complying with all of the provisions of Section 1185.1 of this code, save and except that said last mentioned bond may instead of being filed with the original contract, before the work of improvement is commenced, in the office of the county recorder of the county where the property is situated, be filed in such office at any time before such work of improvement has been completed, or such bond may be (2) a bond with good and sufficient sureties in an amount not less than fifty (50) percent of the face principal amount of such mortgage, deed of trust, or other encumbrance, and shall be given for the sole benefit of persons performing labor upon, or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to the work of improvement to which said bond refers, upon which last mentioned bond either the contractor or the owner may be principal, and which last mentioned bond shall be filed, in order to comply with the requirements of this section, before the work of improvement to which said bond refers is completed.

Article 2. Stop Notices

Notice of labor performed, etc

1190.1. (a) Any of the persons mentioned in Section 1181 and 1184.1 except the contractor, and all persons, firms, and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts, or sewers, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority

of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract or with the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract for the improvement was awarded. In the case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works and not with the State Controller. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for.

(c) Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, is not subject to liens in this chapter provided for, the owner or person who contracted with the contractor shall withhold, from his contractor sufficient money, and bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for such work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, including the reasonable costs of any litigation thereunder.

(d) In the event the moneys so withheld by the owner shall be insufficient to pay in full the valid demands of all the persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro rata distribution of said moneys shall be made among the persons entitled to share therein without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

(e) Any person who shall wilfully give a false notice of his claim to the owner or who shall wilfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate

in the pro rata distribution of such moneys and all right to any lien under this chapter.

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

"Owner" (g) The word "owner" as used in this section, includes the State, or any public board, commission, or officer thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

Disputing validity of claim 1191.1. If the contractor, subcontractor, or other person against whom any claim is filed, as provided in the preceding section or as provided in Section 1192.1 of this code, shall dispute the correctness or validity of any claim so filed, it shall be lawful for the public agency, body, or disbursing officer concerned, at its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such public agency, body, or officer a bond executed by some corporation authorized to issue surety bonds in this State, in a penal sum equal to one and one-fourth times the amount of said claim, which bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon filing of said bond by and with the consent of such agency, body, or officer, then such agency, body, or officer shall not withhold any moneys from such contractor on account of such claim. In the case of a contract with the State entered into by or through the Department of Public Works, the bond shall be filed with the Director of Public Works and not with the State Controller. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the bond given in accordance with the provisions of Chapter 3, Division 5, Title 1 of the Government Code.

Statement of claims 1192.1. (a) Any materialman or person furnishing materials, provisions, provender, or other supplies used in, upon, for, or about the performance of work contracted to be executed or performed to which Chapter 3 of Division 5, Title 1 of the Government Code applies, or any person renting or hiring teams or implements or machinery for or contributing to the work to be done, or any person who performed work or labor upon the same or any person who supplies both work and materials, and whose claim has not been paid by the contractor or person to whom the contract has been awarded, or by the subcontractors of the contractor or person, may at any time prior to the expiration of the period within which claims of lien must be filed for record as prescribed by this section or by Section 1193.1 file with the public agency, body or officer by whom the contract was awarded, or with the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provi-

sions of such contract a verified statement of such claims, together with a statement that the same have not been paid.

(b) Except as to contracts awarded under the State Contract Act, Chapter 3, Part 5, Division 3, Title 2 of the Government Code, within 10 days after the completion of any contract, structure, or work of improvement to which Chapter 3 of Division 5, Title 1 of the Government Code applies, or within 10 days after there has been a cessation from labor thereon for a period of 30 days, the State, or any public board, commission, or officer thereof, or any political subdivision thereof, may file for record in the office of the county recorder of the county or counties where the property is situated a notice setting forth the date when the same was completed or on which cessation from labor occurred, together with the name of the state or such public board, commission, or officer thereof, or such political subdivision thereof, and a description of the property or public work or structure sufficient for identification, and the name of the contractor or contractors, and the names of the sureties, if any. In the case of any contract awarded under the provisions of the State Contract Act, such notice, if filed, shall be filed within 10 days after acceptance of the project, and as to such contracts verified statements of claims may be filed within 30 days after the filing for record of such notice, or if such notice is not so filed, within 90 days after the acceptance of the project. The notice shall be verified by some officer of the State or some member of such board, commission, or officer thereof, or of such political subdivision thereof. If the notice is not so filed, the failure to do so has the same effect as is provided in Section 1193.1 with reference to the "owner."

Actions against the State, etc

(c) Actions against the State, public board, commission, or officer thereof, or the political subdivision of the State, or the disbursing officer whose duty it is to make payments under the provisions of the contract for the public improvement in question, brought by any claimant who has filed claim under this section, or his assign, shall be governed by the provisions of Sections 1190.1 and 1197.1 and the verified notice provided for in those sections is equivalent for all purposes to the verified claim provided for herein.

Assignments

(d) No assignment by the contractor of the whole or any part of the money due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after the claim is filed, takes priority over claims filed under this section and such assignment has no binding force insofar as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

Payments

(e) This section does not prohibit the payment of any money to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer has actually surrendered possession of the warrant, checks, bonds, or money or the payment to the contractor or his assigns of any money due him or his assigns over and above the total amount of the

claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with the claims.

Disputed claims

(f) If the contractor, subcontractor, or other person against whom any claim is filed as provided in this section disputes the correctness or validity of any claim so filed, the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract for the improvement was awarded, in its or his discretion, may permit the contractor to whom the contract was awarded to deliver to such board, commission, or officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of the claim, which bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of the bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from the contractor on account of the claim. The sureties upon the bond are jointly and severally liable to the claimant with the sureties upon the contractor's bond given in accordance with Chapter 3 of Division 5, Title 1 of the Government Code.

Article 3. Claims of Lien

Claim of lien

1193.1. (a) Every original contractor claiming the benefit of this chapter, within 60 days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, at any time after he has ceased to perform labor or furnish material, or both, for any work of improvement mentioned in this chapter, and until 30 days after the completion of such work of improvement, as a whole, may file for record with the county recorder of the county or city and county in which such property or some part thereof is situated a claim of lien containing a statement of his demand after deducting all just credits and offsets, the name of the owner or reputed owner, if known, a general statement of the kind of work done or materials furnished by him, or both, the name of the person by whom he was employed or to whom he furnished the materials, and a description of the property sought to be charged with the lien sufficient for identification; which claim of lien must be verified by oath of claimant or some other person.

Completion

(b) In all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter: the occupation or use of a building, improvement, or structure by the owner, or his representative, accompanied by cessation from labor thereon; or the acceptance by the owner, or said agent, of said building, improvement, or structure, or cessation from labor for 30 days upon any contract or upon any building, improvement, or structure, or the alteration, addition to, or repair thereof; the filing of the notice hereinafter provided for.

(c) The owner shall within 10 days after the completion of any contract or work of improvement provided for in this chapter, or within 10 days after there has been a cessation from labor thereon for a period of 30 days, file for record in the office of the county recorder of the county where the property is situated a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name, address, and the nature of his title, and a description of the property sufficient for identification, together with the name of the original contractor, if any, for the work of improvement as a whole, or if the notice is given only of the work under a particular contract, then the name of the contractor under such contract, which notice shall be signed and verified by the owner or by some other person on his behalf. Notice

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

(e) In case such notice be not so filed, then all persons claiming the benefit of this chapter, shall have 90 days after the completion of said work of improvement within which to file their claims of lien. Filing of claims

(f) In cases covered by Section 1184.1 where the improvement made or work done is subject to acceptance by any municipal board or officer, the time for filing claims of lien shall not commence to run until after such acceptance has been made. Acceptance

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

1194.1. (a) In every case in which one claim is filed against two or more buildings, mining claims, or other improvements owned or reputed to be owned by the same person or on which the lien claimant has been employed by the same person to do his work or furnish his materials, whether said parcels are owned by one or more owners, the person filing such claim must at the same time, designate the amount due to him on each of such buildings, mining claims, or other improvements; otherwise the lien of such claim is postponed to other liens. In the event such lien claimant has been employed to furnish labor or materials under a contract providing for a lump sum to be paid to him for his work or materials on said buildings, mining claims, or other improvements as a whole, and such Claims against two or more buildings

contract does not segregate the amount due for the work done and materials furnished on such buildings, mining claims, or other improvements separately, then such lien claimant, for the purposes of this section, may estimate an equitable distribution of the sum due him over all of said buildings, mining claims, or other improvements based upon the proportionate amount of work done or materials furnished upon said respective buildings, mining claims, or other improvements. The lien of such claimant does not extend beyond the amount designated as against other creditors having liens, by judgment, mortgage, or otherwise, upon either of such buildings or other improvements, or upon the land upon which the same are situated.

Single structure

(b) Provided, however, that, for all purposes of this section, if there is a single structure on more than one parcel of land owned by one or more different owners, it shall not be the duty of the lien claimant to segregate the proportion of material or labor entering into the structure on any one of said parcels; but upon the trial thereof the court may, where it deems it equitable so to do, distribute the lien equitably as between the several parcels involved; provided, further, that all persons interested as owners of, encumbrancers on, contractors, subcontractors, or entitled to liens on any of said parcels, may be joined in one action to foreclose the liens hereinabove referred to.

"Improvement"

1195.1. If a work of improvement consists in the construction of two or more separate residential units, each such unit shall be considered a separate "work of improvement" or "improvement," and the time for filing claims of lien against each such residential unit as provided in this chapter shall commence to run upon the completion of each such residential unit. A separate residential unit is defined as consisting of one residential structure together with any garages or other outbuildings appurtenant thereto. The provisions of this qualification shall not impair any rights conferred under the provisions of Sections 1192.1, 1194.1, and 1184.1 of this code. Materials delivered to or upon any portion of said entire work of improvement and ultimately used or consumed in one of such separate residential units shall, for all the purposes of this chapter, be deemed to have been furnished to be used or consumed in the separate residential unit in which the same shall have been actually used or consumed; provided, however, that if the lien claimant is unable to segregate the amounts used on or consumed in such separate units he shall be entitled to all the benefits of Section 1194.1 of this code.

Article 4. General and Procedural Provisions

Mistakes or errors

1196.1. No mistake or errors in the statement of the demand, or of the amount of credits and offsets allowed, or of the balance asserted to be due to claimant, or in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the

statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud, or the court shall find that an innocent third party, without notice, direct or constructive, has since the claim was filed, become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

Actions

1197.1. (a) No action to enforce the payment of any claim, notice of which may be given pursuant to Article 2, shall be commenced against the owner, nor against the State or any public board, commission, or officer thereof, nor against any political subdivision of the State or the disbursing officer thereof whose duty it is to make payments under provisions of such contract, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by Section 1193.1 of this code, nor shall any such suit be commenced later than 90 days following the expiration of such period. No money or bond shall be withheld by reason of any such notice as is prescribed by Article 2 longer than said 90 days following the expiration of such period unless proceedings be commenced in a proper court within that time by the claimant to enforce his claim; and in case such proceedings be so commenced but be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution; and in all cases upon the dismissal of such proceedings, unless it be expressly stated that the same is without prejudice, or upon a judgment rendered therein against the claimant, or upon the termination of said 90 days above provided if such proceedings have not been commenced, such notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the contractor or other person to whom they are due.

Notice

(b) Notice of such proceedings shall be given or filed within five days after the commencement thereof to the same persons and in the same manner as provided in Article 2 of this chapter with respect to notice of claim.

Consolidating actions

(c) Any number of persons who have given such notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them.

Impleading

(d) Upon the demand of the owner the court shall require all claimants to the moneys withheld by the owner in response to such notices to be impleaded in said action, to the end that the respective rights of all parties may be adjudicated and settled therein.

Duration of lien

1198.1. (a) No lien provided for in this chapter binds any property for a longer period than 90 days after the same has been filed except as hereinafter provided, unless proceedings be commenced in a proper court within that time to enforce the same. If a credit be given and notice of the fact and terms of such credit be filed in the office of the county recorder subsequent to the filing of such lien and prior to the expiration of

said 90-day period, then such lien continues in force until 90 days after the expiration of such credit, but no lien continues in force by reason of any agreement to give credit for a longer time than one year from the time the work is completed. If the proceedings to enforce the lien be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien.

Rights of subsequent purchasers, etc

(b) As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 90-day period following the filing of such lien, no giving of credit or extension of the lien or time to enforce the same shall be effective unless evidenced by a notice or agreement filed for record in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer, and no proceedings to enforce the lien which include a personal action and issuance of attachment as provided in Section 1200 of this code shall be effective unless a notice of pendency of such proceedings is filed for record in the office of the county recorder, as provided in Section 409 of this code.

Consolidation of actions

1199.1. Any number of persons claiming liens may join in the same action and when separate actions are commenced the court may consolidate them. In addition to any other costs allowed by law, the court must also allow as costs the money paid for verifying and recording the lien, such costs to be allowed each claimant whose lien is established whether he be plaintiff or defendant, or whether they all join in one action or separate actions are consolidated.

Deficiency judgment

1199.2. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be entered against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages.

Personal actions

1200. Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished, or furnishing appliances, teams, or power contributing to any work of improvement to maintain a personal action to recover said debt against the person liable therefor and to, either in an action to foreclose his lien or in a separate action, take out an attachment or execution therefor, or obtain a separate personal judgment in such mechanics' lien action, against the person personally liable for such debt notwithstanding his lien, and in his affidavit to procure an attachment he need not state that his demand is not secured by a lien; but the judgment, if any, obtained by the plaintiff in such personal action, or personal judgment obtained in such mechanics' lien action,

shall not be construed to impair or merge any lien held by said plaintiff under this chapter; provided, only, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to enforce the same, in accordance with the provisions of this chapter.

Bonds· Release of sureties

1200.1. (a) The surety or sureties on any bond given pursuant to any of the provisions of this chapter shall not be exonerated or released from the obligation of the bond by any change, alteration, or modification in or of any contract, plans, specifications, or agreement pertaining or relating to any scheme or work of improvement or pertaining or relating to the furnishing of labor, materials, or equipment therefor, nor by any change or modification of any terms of payment or extension of the time for any payment relating or pertaining to any scheme or work of improvement, nor by any rescission or attempted rescission of any such contract or agreement, nor by rescission or attempted rescission of the bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of laborers or materialmen otherwise entitled to recover under any such contract or agreement or under the bond, nor, where the bond is given for the benefit of laborers, materialmen, or other persons entitled to claim a lien under this chapter, by any fraud practiced by any person other than such laborer, materialman, or like person as is seeking to recover on the bond.

Construction of terms

(b) All bonds given pursuant to the provisions of this chapter will be construed most strongly against the surety and in favor of all persons for whose benefit such a bond is given, and under no circumstances shall a surety be in anywise released from liability to the said laborers or materialmen or persons furnishing appliances, teams, or power, for whose benefit said bond has been written, by reason of any breach of contract between owner and contractor or on the part of any obligee named in said bond, but the sole condition of recovery on the part of such person furnishing labor or material or appliances, teams, or power, as aforesaid, shall be that said labor or material has been used or consumed in or said appliances, teams, or power have contributed to the work of improvement to which said bond refers, and that the said third person for whose benefit said bond has so been made to inure has not been actually paid some part of all of the sums due him for the same.

Invalid provisions

(c) No provisions in any of the bonds given pursuant to any of the provisions of this chapter attempting by contract to shorten the period prescribed for the commencement of an action thereon, as laid down in Section 337 of this code, shall be valid if such provision attempts to limit the time for commencement of action thereon to a shorter period than six months from the completion of said structure or work of improvements, as "completion" is defined in Article 3 of this chapter, nor shall any provision in any of said bonds attempting to limit the period for the commencement of actions thereon be valid in so

far as actions brought by persons furnishing labor or materials, appliances or teams or power, as aforesaid, are concerned, unless said bond be filed for record, with the contract to which it refers, before the work of improvement is commenced, with the county recorder of the county or city and county in which the property referred to therein, or some part thereof, is situated.

Notice

(d) In case the surety or sureties on any bond given as in this chapter provided shall have caused said bond to be filed and recorded in the office of the county recorder of the county in which the property is situated before the work of improvement is completed, then no action may be maintained thereon unless there shall previously have either been filed a mechanic's lien claim as in this chapter provided or unless written notice shall previously have been given to the surety on said bond before the expiration of the time prescribed in this chapter for filing a lien to enforce such claim, which notice shall state that the person giving such notice has performed labor or furnished materials, or both, or furnished appliances, teams, or power, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor, materials, appliances, teams, or power and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both. The filing of an action to foreclose such lien shall not be a condition precedent to a recovery on said bond. If said bond has been so filed as herein last provided, then any suit brought against such surety or sureties shall be filed within six months after completion of said structure or work of improvement, as "completion" is defined in Article 3 of this chapter.

Same

(e) The written notice to be given to the surety or sureties hereinabove provided for may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and registered, addressed,

(1) If to an individual surety, at his residence or place of business, if known, or

(2) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which said bond has been so filed, or

(3) At the place designated as the residence of the surety in the certificate, if any, filed by such surety or sureties as provided by Section 1163 of the Civil Code, or

(4) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent, or

(5) At the office or care of any officer of the surety in the State of California, or

(6) At the office of or care of the statutory agent of the surety in the State of California, or

(7) By service in the manner prescribed for the service of summons as provided by Section 411 of the Code of Civil Procedure.

(f) Any bond given pursuant to any of the provisions of this chapter which otherwise fully complies therewith shall be conclusively presumed a good and sufficient bond if the surety thereon is a corporation duly authorized to issue surety bonds in this State. Sufficiency of bond

1201.1. (a) Except as otherwise provided in this chapter, the provisions of Part 2 of this code are applicable to, and constitute the rules of practice in, the proceedings mentioned in this chapter. Applicable provisions

(b) The provisions of Part 2 of this code, relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this chapter or with rules adopted by the Judicial Council, apply to the proceedings mentioned in this chapter. Same

1202.1. Whenever materials shall have been furnished for use in the construction, alteration, or repair of any building or other improvement, such materials shall not be subject to attachment, execution, or other legal process, to enforce any debt due by the purchaser of such materials, except a debt due for the purchase-money thereof, so long as in good faith the same are about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement. Materials furnished

1203.1. The county recorder shall number, index and preserve all contracts, plans, bonds and other papers presented to him for filing pursuant to this chapter, and shall number, index and transcribe into the official records in his office, in the same manner as a conveyance of land, all notices, claims of lien and other papers filed for record with him pursuant to this chapter. He shall receive therefor the fees prescribed by the Government Code. Indexing of papers, etc

SEC. 2. Section 3060 is hereby added to the Civil Code, to read:

3060. Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process, or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, subcontractor, superintendent, or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this section. The liens provided for by this section shall Mining liens

be enforced in the same manner as those provided for by Chapter 2 of Title 4, Part 3, of the Code of Civil Procedure.

SEC. 3. Section 5463 is hereby added to the Health and Safety Code, to read:

Sanitation construction, etc., liens

5463. Any health officer or governing board of any city, county, or sanitary district, having served written notice upon the owner or reputed owner of land upon which there is a dwelling-house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling-house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

The liens provided for by this section shall be enforced in the same manner as those provided for by Chapter 2 of Title 4, Part 3 of the Code of Civil Procedure.

Repeal

SEC. 4. Sections 1183, 1184, 1184a, 1184b, 1184c, 1184d, 1184e, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1191a, 1191b, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, and 1203 of the Code of Civil Procedure are hereby repealed.

Legislative intent

SEC. 5. It is the intent of the Legislature to accomplish by this act only a formal revision of the law relating to mechanics' liens. Nothing in this act contained shall be construed as an alteration in the public policy or legislative intent regarding such law, nor in the meaning or substance thereof.

CHAPTER 1160

An act to amend Sections 859 and 987a of the Penal Code, relating to compensation of counsel appointed by any court to defend indigent persons charged with crime and compensation of public defenders in certain cases.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SECTION 1. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense, over which the superior court has original jurisdiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name in the city or township in which the court is situated. The officer must without delay and without fee, perform that duty. Request for counsel

If he desires and is unable to employ counsel, the court must assign counsel to defend him.

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

987a. In any case in which counsel is assigned in the superior court to defend a person who is charged therein with crime, or is assigned in a municipal or justice's court, or justice court as established pursuant to the Municipal and Justice Court Act of 1949, to represent such a person on a preliminary examination in such a court and who desires but who is unable to employ counsel, such counsel, except in a county, or city and county, in which there is a public defender, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county. Compensation of appointed counsel

The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

CHAPTER 1161

An act providing for the constitution of the municipal court in a district embracing the City of Stockton, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.] In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the City of Stockton shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows: City of Stockton, municipal court

(1) There shall be four judges, each of whom shall receive nine thousand six hundred dollars ($9,600) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred fifty-six dollars ($356) monthly, and who may appoint the following:

Four deputy clerks, each of whom shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly;

One deputy clerk (senior cashier) who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly;

Two deputy clerks (senior stenographers), each of whom shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly;

Three deputy clerks (intermediate stenographers), each of whom shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly;

(3) There shall be one marshal who shall receive four hundred dollars ($400) per month, and who may appoint the following:

Three deputy marshals, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320) monthly;

One deputy marshal (senior stenographer) who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly;

One deputy marshal (intermediate stenographer) who shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly;

Ten deputies (custodians) at the fee allowed by law for the keeping of property.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act

of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1162

An act providing for the constitution of the municipal court in a municipal court district to be known as the San Leandro-Hayward Municipal Court District consisting of all of Eden Township, County of Alameda, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

San Leandro-Hayward Municipal Court District

SECTION 1. The municipal court established in a municipal court district to be known as the San Leandro-Hayward Municipal Court District embracing all of Eden Township, County of Alameda, as said township existed on May 20, 1951, shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum payable in equal monthly installments;

(2) There shall be one clerk who shall receive four hundred fifty dollars ($450) per month, and who may appoint the following:

One chief deputy who shall receive four hundred fifty dollars ($450) monthly;

Four deputy clerks each of whom shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of ten dollars ($10), to a maximum of three hundred fourteen dollars ($314) monthly.

(3) The sheriff and his deputies shall act ex officio as marshal and deputy marshals of the court.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

SEC. 2. Whenever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy

or position. However, in order to equalize the work of the office of the clerk and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk or attache to perform such service as may be directed by the clerk, whether the work so directed to be done be within the scope of the special designation or not. The clerk shall have the power to lay off any employee because of lack of the type of work which such employee was appointed to perform.

CHAPTER 1163

An act to amend Section 8 1 of the Municipal Court Act of 1925, relating to municipal courts.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SECTION 1. Section 8.1 of the act cited in the title is amended to read:

City of Oakland, municipal court officers

Sec. 8.1. The judges of the municipal court in a city of the second class shall appoint one clerk who shall act as secretary to the judges of said court and who shall receive a monthly salary of six hundred fifty dollars ($650). Such clerk, when directed by the court, shall also act as jury commissioner.

(a) The clerk of the municipal court in a city of the second class shall appoint the following deputies and attaches who shall each receive the monthly compensation set opposite the title of their respective offices or positions; the persons first appointed to such positions shall be the persons succeeding by operation of law to such positions and all vacancies thereafter occurring in such positions shall be filled in the manner provided in Section 18.

CRIMINAL DIVISION

Four senior deputy clerks, each four hundred fifty dollars ($450) per month;

Three deputy assistant clerks, each three hundred fifty dollars ($350) per month;

Four deputy assistant clerks, each three hundred twenty-five dollars ($325) per month;

One legal stenographer, two hundred seventy-five dollars ($275) per month;

One typist-clerk, who shall receive a minimum salary of two hundred six dollars ($206) monthly during the first year of such service with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12), per month, during the second, third, fourth and fifth years respectively of such service, to a maximum of two hundred fifty dollars ($250) monthly.

OFFICE OF BAIL AND FINES

One deputy senior clerk (cashier-bookkeeper), four hundred fifty dollars ($450) per month;

Two deputy clerks, each two hundred seventy-five dollars ($275) per month;

Two deputy clerks, each two hundred fifty-five dollars ($255) per month;

Seven deputy clerks (bail office tellers), each three hundred dollars ($300) per month;

Five typist clerks, each of whom shall receive a minimum salary of two hundred six dollars ($206) monthly during the first year of such service with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12), per month, during the second, third, fourth and fifth years respectively of such service, to a maximum of two hundred fifty dollars ($250) monthly;

One file clerk who shall receive a minimum salary of two hundred six dollars ($206) during the first year of such service with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12) per month, during the second, third, fourth and fifth years respectively of such service, to a maximum of two hundred fifty dollars ($250) monthly.

CIVIL DIVISION

One senior deputy clerk, five hundred dollars ($500) per month;

One senior deputy clerk, who shall receive a salary of four hundred fifty dollars ($450) per month;

Seven deputy clerks, each of whom shall receive a salary of three hundred fifty dollars ($350) per month;

One stenographer who shall receive a minimum salary of two hundred sixteen dollars ($216) monthly during the first year of such service with annual increments of ten dollars ($10), twelve dollars ($12), twelve dollars ($12), and fourteen dollars ($14) per month, during the second, third, fourth and fifth years respectively of such service, to a maximum of two hundred sixty-four dollars ($264) monthly;

One junior stenographer who shall receive a minimum salary of one hundred ninety-six dollars ($196) monthly during the first year of such service with annual increments of ten dollars ($10), ten dollars ($10), ten dollars ($10), and twelve dollars ($12) per month, during the second, third, fourth and fifth years respectively of such service, to a maximum salary of two hundred thirty-eight dollars ($238) monthly.

(b) All persons succeeding by operation of law to any of the aforesaid positions at the time such municipal court is established, shall continue to hold the same or the substantially equivalent positions, respectively, with credit for prior service in such positions, but without further examination or appointment. They shall receive, however, the compensation provided

for by this section, and shall receive in addition to the minimum rate, the annual increments provided for herein commensurate with years of service including prior service up to the maximum rate.

Whenever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. However, in order to equalize the work of the office of the clerk and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk or attache to perform such service as may be directed by the clerk, whether the work so directed to be done be within the scope of the special designation or not The clerk shall have the power to lay off any employee because of lack of the type of work which such employee was appointed to perform.

Persons succeeding by operation of law to any of the aforesaid positions upon the establishment of such municipal court, shall remain members of the classified civil service systems of the city or county of which they were members immediately prior thereto, and persons succeeding to positions of the court as hereinabove provided, who are not at such time members of either classified civil service system, shall upon succeeding to such positions, become members of the classified civil service of such city; provided, that either the governing body of such city or county may by the adoption of an ordinance, and with the consent of the other governing body, expressed by an ordinance, provide for the inclusion by the city or county, as the case may be, of all such persons in its classified civil service system.

For purposes of determining vacations, leaves of absence, sick benefits, compensation for death or injuries, including benefits under workmen's compensation laws, and other benefits and privileges, such officers and attaches shall be deemed employees of the city or county to which civil service systems they respectively belong.

Any appointive officer or employee of the municipal court, holding any of the aforesaid positions mentioned in Section 8.1 (a), who becomes a candidate for election by the people to any other public office or position shall automatically forfeit such office or employment.

Gov C., §31450, ff

(c) Notwithstanding any provisions of the County Employees Retirement Law of 1937, as it now reads or as same may be hereafter amended, whenever a municipal court is established in a city of the second class in a county in which there is in effect a retirement system established under the County Employees Retirement Law of 1937, all employees of the county in which such court is established, except elective officers, who succeed by operation of law to positions in such municipal court upon its establishment and who were on such date members of a retirement system established under the County Employees Retirement Law of 1937 shall remain members of such

retirement system without prejudice to any of their prior or future rights therein; all employees of the city in which such court is established, except elective officers, who succeed by operation of law to positions in such municipal court upon its establishment and who were not on such date members of any retirement system of such city shall upon the first day of the month after entrance into the service of such court become members of such retirement system established in such county under the County Employees Retirement Law of 1937; all persons appointed to positions, except elective offices, in such municipal court after its establishment, other than persons who succeed by operation of law to such positions and other than officers and members of the police department of such city acting as ex officio marshal, ex officio deputy marshals or ex officio assistant marshals of such court, shall upon the first day of the month after entrance into the service of such court become members of such retirement system established in such county under the County Employees Retirement Law of 1937; all officers and members of the police department of such city in which such court is established acting as ex officio marshal, ex officio deputy marshals or ex officio assistant marshals of such court, and all other employees of such city who succeed by operation of law to positions in such municipal court upon its establishment, and who were on such date members of any retirement system or police relief and pension fund of such city, shall remain members of such retirement system or police relief and pension fund without prejudice to any of their prior or future rights therein, and no such city employees, or officers or members of the police department of such city, shall become members of such retirement system established under the County Employees Retirement Law of 1937.

(d) The presiding judge of such municipal court shall require each of the persons succeeding by operation of law to, or appointed to, the positions of clerk, deputy clerks, or deputy senior clerks, and each of the persons appointed to serve as ex officio deputy marshals or ex officio assistant marshals, and also such other employees or attaches of the court as the presiding judge shall designate, to give a surety bond in an amount to be fixed by the presiding judge of such municipal court conditioned for the faithful performance of the duties of his position. Such bond shall be payable to the State of California and shall be obligatory upon the principal and surety to and for the use and benefit of all persons, including the county and city in which such municipal court is established, and the sheriff of the county and the chief of police of the city in which such municipal court is established, who may be injured or aggrieved by the wrongful act or default of such principal in his official capacity. Any person so injured or aggrieved may bring suit on the bond in his own name without assignment thereof. Such bonds shall be approved and filed in the same manner as are bonds of county and township officers. The premium or charge for bonds given by surety companies for such employees and attaches of such

municipal court shall not exceed one-half of 1 percent on the amount of the bond and shall be paid by the county in which such municipal court is established.

CHAPTER 1164

An act providing for the constitution of the municipal court in a district embracing the City of Alameda, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

City of Alameda, municipal court

SECTION 1. The municipal court established in a district embracing the City of Alameda shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive four hundred fifty dollars ($450) monthly, and who may appoint the following:

One chief deputy (criminal division) who shall receive a minimum salary of three hundred dollars ($300) monthly with annual increments of ten dollars ($10), to a maximum of three hundred fifty dollars ($350) monthly;

One chief deputy (civil division) who shall receive a minimum salary of three hundred dollars ($300) monthly with annual increments of ten dollars ($10), to a maximum of three hundred fifty dollars ($350) monthly;

Two deputy clerks who shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of ten dollars ($10), to a maximum of three hundred dollars ($300) monthly.

(3) The sheriff and his deputies shall act ex officio as marshal and deputy marshals.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

SEC. 2. Whenever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. However, in order to equalize the work of the office

of the clerk and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk or attache to perform such service as may be directed by the clerk, whether the work so directed to be done be within the scope of the special designation or not. The clerk shall have the power to lay off any employee because of lack of the type of work which such employee was appointed to perform.

CHAPTER 1165

An act providing for the constitution of the municipal court in a district embracing the Cities of Alviso and San Jose, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the Cities of Alviso and San Jose known and designated as the Alviso-San Jose District shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

Alviso-San Jose District Municipal courts

(1) There shall be three judges, each of whom shall receive ten thousand dollars ($10,000) per annum payable in equal monthly installments.

(2) There shall be one clerk who shall receive a minimum salary of three hundred sixty dollars ($360) monthly with annual increments of twenty-six dollars ($26), twenty-seven dollars ($27), twenty-seven dollars ($27), and twenty-seven dollars ($27) to a maximum of four hundred sixty-seven dollars ($467) monthly;

The clerk may appoint:

Three deputy clerks (court clerks), each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-two dollars ($22), and twenty-two dollars ($22) to a maximum of three hundred fifty-three dollars ($353) monthly;

Six deputy clerks (typists), each of whom shall receive a minimum salary of one hundred ninety-five dollars ($195) monthly with annual increments of twenty-one dollars ($21), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of two hundred sixty-seven dollars ($267) monthly;

(3) There shall be one marshal who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of twenty-five dollars ($25), twenty-five dollars ($25), twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of four hundred twenty-five dollars ($425) monthly;

The marshal may appoint four deputies, each of whom shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of three hundred thirty-five dollars ($335) monthly;

Four deputies (custodians) at the fee allowed by law for keeping property.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1166

An act providing for the constitution of municipal courts in districts in Santa Cruz County, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

Santa Cruz County, municipal courts

SECTION 1. The municipal courts established in districts in Santa Cruz County shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges each of whom shall receive eight thousand dollars ($8,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive a minimum salary of two hundred forty dollars ($240) monthly with annual increments of twelve dollars ($12), twelve dollars ($12), twelve dollars ($12), and twelve dollars ($12) to a maximum of two hundred eighty-eight dollars ($288) monthly.

The clerk may appoint the following:

One chief deputy clerk who shall receive a minimum salary of two hundred thirty dollars ($230) monthly with annual increments of twelve dollars ($12), fourteen dollars ($14), eleven dollars ($11), and nine dollars ($9) to a maximum of two hundred seventy-six dollars ($276) monthly;

Two deputy clerks each of whom shall receive a minimum salary of one hundred eighty dollars ($180) monthly with annual increments of nine dollars ($9), nine dollars ($9), nine dollars ($9), and nine dollars ($9) to a maximum of two hundred sixteen dollars ($216) monthly.

(3) The sheriff of the county shall be ex officio marshal of the court and may appoint two of his deputies to act as ex officio deputy marshals of the court.

(4) Persons who succeed to positions in the municipal court under the provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1167

An act to amend Section 1908 of the Harbors and Navigation Code, relating to contracts for fireboat services and payment for services of firemen.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1908 of the Harbors and Navigation Code is amended to read as follows:

1908. The board may contract with the City of San Francisco for the furnishing by the city to the board of the services of fireboats owned and operated by the city for the protection from fire of the property under the control and jurisdiction of the board on the San Francisco water front. Any such contract shall provide for the payment by the board out of the San Francisco Harbor Improvement Fund to the City of San Francisco one-half of the expense of maintenance and operation of such fireboats in an amount that shall not exceed the sum of three hundred thousand dollars ($300,000) in any year.

Contracting for fireboat service

The board may also pay the city for furnishing to the board such services of firemen of the city as may be requested by the board and furnished by the city in the performance of fire prevention work in cooperation with the San Francisco Fire Department, on the property of the State under the control and jurisdiction of the board. The amount to be paid for such services shall not exceed the amount of salary or wages paid by the city to such firemen on account of the performance of such services for the board, including its contributions to any retirement fund, and shall not exceed the sum of thirty thousand dollars ($30,000) in any one year.

In addition to the amounts which may be collected for the purposes specified in this part by the board, there shall be collected an amount sufficient to carry out the provisions of this section.

CHAPTER 1168

An act to amend Sections 1593, 2561, 2802, and 2833 of, and to add Sections 2561.1, 2802.1, and 2833.1 to, the Education Code, relating to the formation of school districts.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SECTION 1. Section 1593 of the Education Code is amended to read:

Effective date of actions

1593. In the case of every other action referred to in this article, the action shall be effective on the date the action is completed for the following purposes:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing boards of the school districts affected.

(c) The preparation and submission of school district budgets.

(d) The election or appointment of employees for the ensuing school year.

(e) The calling and conducting of elections for and the issuance and sale of school district bonds.

(f) The exercise by the governing boards of the school districts affected of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(g) The holding of an election to determine whether a newly formed elementary school district, or a district comprised within a newly formed union or joint union elementary school district shall become a part of a high school district.

(h) The calling and conducting of elections to increase the maximum rates of tax for district or districts affected.

(i) The calling and conducting of elections for the assumption of bonded indebtedness.

(j) The unionization or uniting of the district with one or more other school districts, or its annexation to another school district.

SEC. 2. Section 2561 of said code is amended to read:

Uniting contiguous districts

2561. Two or more contiguous elementary school districts may be united to constitute but one district, whenever a petition, signed by a majority of the registered electors residing in each of the districts who have children attending the schools of the district as shown by the teachers' registers or other records of the district for the current or next preceding school year, is presented to the county superintendent of schools. The petition shall be acted upon in the same manner as in the case of the formation of new school districts, except that Section 2456.1 shall not apply.

SEC. 3. Section 2802 of said code is amended to read:

2802. (a) A majority of the registered electors who reside in two or more contiguous elementary school districts of any kind or class, lying in the same county, and who have children attending school as shown by the teachers' registers or other records of the districts for the current or next preceding year or, (b) if any of such districts has an average daily attendance of 300 or more, a majority of the members of the governing board of such district may unite in a petition to the county superintendent of schools for the formation of a union elementary school district to comprise the districts petitioning. The superintendent of schools shall within 20 days after receiving the petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning to conduct the election. The county superintendent of schools may divide any school district in which the election is held into precincts for such election and, in such case, shall appoint three qualified electors in each precinct to conduct the election. Union elementary school district

SEC. 4. Section 2833 of said code is amended to read:

2833. (a) A majority of the registered electors residing in two or more contiguous school districts of any kind or class, not all in the same county, and who have children attending the schools in the district as shown by the teachers' registers or other records of the district for the current or next preceding school year or, (b) if any of such districts has an average daily attendance of 300 or more, a majority of the members of the governing board of such district, may unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts petitioning. Each of the superintendents shall, within 20 days after receiving the petition, call an election in the district or districts in his county petitioning, for the determination of the question and shall appoint three qualified electors in each of the petitioning districts, to conduct the election. The county superintendent of schools may divide any school district in which the election is held into precincts for such election and in such case, shall appoint three qualified electors in each precinct to conduct the election. Joint union school district

SEC. 5. Section 2802.1 is added to said code, to read:

2802.1. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. No petition shall be accepted by the superintendent of schools after December 15th of any fiscal year. Petitions signatures

SEC. 6. Section 2561.1 is added to said code, to read:

2561.1. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it Same

purports to be. No petition shall be accepted by the superintendent of schools after December 15th of any fiscal year.

SEC. 7. Section 2833.1 is added to said code, to read:

Same

2833.1. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who sign the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be. No petition shall be accepted by the superintendent of schools after December 15th of any fiscal year.

CHAPTER 1169

An act to amend Sections 6861, 6862, 6863, 6875, 6876, 6877, 6878, 6881, 6885, 6886, 6891, 6906, 6913, 6914, 6915, 6921, 6922, 6923, 6925, 6931, 6948, and 6956, and to repeal Sections 6938, 6941, 6942, 6943, and 6944 of the Business and Professions Code, and to add thereto Section 6859, all relating to the licensing and regulation of collection agencies.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SEC. 3. Section 6859 is added to said code, to read:

"Qualified person"

6859. As used in this chapter, "qualified person" means a person who has met all the requirements of Section 6886 of this code and who has been actively and continuously, except for a period or periods aggregating not more than one year, engaged or employed in the collection agency business from the time of passing the examination provided for in Article 5 of this chapter to the time of taking charge of any collection agency; provided, however, that with respect to an agency engaged in the general collection business the qualified person shall have passed the general collection agency license examination whereas with respect to a repossession-collection business the qualified person shall have passed either the repossession-collection examination or the general collection agency license examination.

Active service in the United States military service or armed forces shall be deemed active and continuous engagement or employment in the collection agency business within the meaning of this section if the engagement or employment be actually and actively resumed within six months after discharge from such service.

SEC. 4. Section 6861 of said code is amended to read:

Chief, Division of Collection Agencies

6861. The Secretary of State shall appoint one Chief, Division of Collection Agencies, whose duties are provided in this chapter, and whose salary may be fixed by the Secretary of State with the approval of the Director of Finance.

The Secretary of State shall appoint such clerical, expert, technical and other assistants as may be necessary to carry out the provisions of this chapter, and one or more assistants to the chief who may perform the duties delegated to the chief under the supervision and direction of the chief.

All personnel shall be paid for services rendered from the Collection Agency Fund.

SEC. 5. Section 6862 of said code is amended to read:

Same: Qualifications

6862. (a) The chief shall be a resident of the State for a period of not less than five years immediately preceding the date of appointment and he shall have the following additional qualifications:

(1) At least five years actual collection agency experience in this State as an owner or operator or in a managerial capacity of a collection agency, or three years as assistant chief.

(2) He shall be qualified to organize a collection agency and be thoroughly familiar with its operational procedure.

(3) He shall be able to examine candidates on the laws of this State as they pertain to collection agency practice and collection of delinquent accounts.

(b) The assistant chief shall be a resident of the State for a period of not less than five years immediately preceding the date of appointment and he shall have the following additional qualifications:

(1) At least three years actual collection agency experience in this State as an owner or operator or in a managerial capacity of a collection agency.

(2) He shall be qualified to organize a collection agency and be thoroughly familiar with its operational procedure.

(3) He shall be able to examine candidates on the laws of this State as they pertain to collection agency practice and collection of delinquent accounts.

SEC. 6. Section 6863 of said code is amended to read:

Same. Duties

6863. The chief shall discover violations of this chapter by persons engaged in business as collection agencies who fail to obtain licenses and shall gather evidence of violations and furnish the same to prosecuting officers of any county or city for the purpose of prosecuting all violations of this chapter occurring within their jurisdiction.

The chief, for the purpose of discovering violations of this chapter, shall investigate the business and examine the books, accounts, records and files used therein by the licensee and for such purpose the chief shall have free access to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all licensees.

SEC. 7. Section 6875 of said code is amended to read:

License applications

6875. Application for a license shall be made in writing to the Secretary of State in such form as may be required by him.

Subject to the provisions of this chapter, any application for a license may be made by any qualified person.

SEC. 8. Section 6876 of said code is amended to read:

Contents

6876. The application shall state, among other things that may be required, the name of applicant together with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

In the case of an individual the application shall state the full residence address of the applicant, in the case of a partnership, the application shall state the true names and complete residence addresses of all partners; in the case of a corporation, the application shall state the true names and complete residence addresses of all directors and officers, the true names and residence addresses of all stockholders and number of shares of each and of all classes held by each and the total number of shares of each class issued and outstanding; and in the case of a nonstock corporation or an unincorporated association, the true names and complete residence addresses of all officers, directors and trustees. However, if a corporation or unincorporated association has 25 or more shareholders or members then the application need list only the names and addresses and share holdings of those shareholders owning 10 percent or more of the outstanding shares.

SEC. 9. Section 6877 of said code is amended to read:

Same

6877. If the applicant for license is an individual, the application shall state that applicant is a qualified elector of the State of California and is to be personally and actively in charge of the business for which the license is sought, or if any other qualified person is to be actively in charge of such business, the application shall so state and set forth the name of the person and that such person is likewise a qualified elector. If applicants are copartners, the application shall state the name of the partner to be actively in charge of the business for which the license is sought and that he is a qualified elector of this State; or if a qualified person other than a partner is to be actively in charge of the business then the application shall state the name and address of such person and that he is a qualified elector of this State. If applicant is a corporation or unincorporated association, the application shall state the name of the person to be actively in charge of the business for which the license is sought and that he is a qualified elector of the State.

SEC. 10. Section 6878 of said code is amended to read:

Verification

6878. If applicant is an individual, the application shall be subscribed and verified under oath by the applicant; if applicants are copartners, the application shall be subscribed and verified by one or more of the partners; and if the applicant is a corporation or unincorporated association, the application shall be subscribed and verified by a duly authorized officer, director or trustee of the applicant. The application shall be filed with the Secretary of State.

SEC. 11. Section 6881 of said code is amended to read:

Examination

6881. Any applicant may be examined concerning his competency, experience, character and qualifications by the

Secretary of State or by the chief, either of whom may take testimony of anyone in regard thereto under oath, which each may administer.

SEC. 12. Section 6885 of said code is amended to read:

Waiver of requirements

6885. No application for license shall be granted by the Secretary of State unless the applicant has met the requirements of this article in addition to all other requirements of this chapter and any rules and regulations established under the chapter, except that the examination requirements shall be waived:

(a) If the business for which any license is sought is to be under the active management of a person who has been actively and continuously engaged in the general collection agency business as an individual licensee or as an active member of a licensed copartnership from May 1, 1941, to within 60 days of the date of application to the Secretary of State, or under the active management of a qualified person.

(b) If the license sought is for the repossession-collection business and the person to be actively in charge of the business has been actively and continuously engaged in the repossession-collection business as an individual licensee or as an active member of a licensed copartnership in the repossession-collection business from May 1, 1941, to within 60 days of the date of application to the Secretary of State, or under the active management of a qualified person.

Active service in the United States military or armed forces shall not be deemed to constitute absence from business within the meaning of this section if the business be actually and actively resumed within six months after discharge from such service.

Any person taking the examination for the first time shall pay the examination fee to the Secretary of State. Subject to such conditions as may be imposed by the rules and regulations a person shall be permitted to take subsequent examinations without payment of an additional fee therefor.

SEC. 13. Section 6886 of said code is amended to read:

Office manager

6886. Except as in this chapter otherwise provided, the person to be actively in charge of an agency or office as manager, shall:

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Be a bona fide resident of this State continuously for at least one year prior to the date of the filing of the application.

(e) Possess the necessary qualifications of learning and ability.

(f) Pass the examination required.

(g) Be a qualified elector of this State.

SEC. 14. Section 6891 of said code is amended to read:

Examination papers

6891. The examination papers of any person shall be kept for the period of one year and may then be destroyed.

The examination papers shall be open to inspection during the one-year period only by the Secretary of State, the chief,

members of the examining board, their clerical assistants, and by the applicant or by someone appointed by the latter to inspect them, or by a court of competent jurisdiction in a proceeding where the contents of the papers are properly involved.

SEC. 15. Section 6906 of said code is amended to read:

Limitations

6906. Except as herein otherwise provided, the Secretary of State shall not issue a license nor shall the board certify any person as having successfully passed the examination:

(a) If the applicant or person has ever had a license revoked for cause.

(b) If the applicant or person was a partner, officer, director, trustee, manager or stockholder of any partnership, corporation or unincorporated association the license of which has been revoked for cause.

(c) If the applicant is a partnership, corporation or unincorporated association having any partner, officer, director, trustee, stockholder or employee who has had a license revoked for cause.

(d) If the Secretary of State or board has knowledge that any such applicant or person or a partner, officer, director, trustee, stockholder or employee of any applicant has been convicted of the crime of fraud, embezzlement or any crime involving moral turpitude, or has been adjudged disqualified for employment in the collection agency business pursuant to the provisions of Article 10.

Any person whose application has been rejected pursuant to this section may file with the chief a petition for determination of rehabilitation setting forth the grounds upon which petitioner claims fitness to engage in the collection agency business If the chief finds, after due investigation, sufficient evidence of rehabilitation the matter shall be referred to the board for hearing and determination in accordance with the Administrative Procedure Act, Chapter 5, Part 1, Division 3, Title 2 of the Government Code, otherwise the petition shall be denied by the chief without prejudice to the filing of another petition at any time not sooner than one year. After the hearing the board shall determine the fitness of the petitioner to engage in the collection agency business and shall either certify petitioner to the Secretary of State for license or examination or deny the petition without prejudice to the filing of a new petition at any time not sooner than one year.

SEC. 16. Section 6913 of said code is amended to read:

Changes in corporate membership

6913. Any change or series of changes resulting in an aggregate change of more than 50 percent of the membership of a membership corporation or of an unincorporated association shall terminate and void all licenses issued to it, except the license of any office or agency which is and continues under the active charge of a qualified person or a person who has been continuously in active charge of a licensed collection agency for at least five years immediately preceding any such change of membership, or which, within 30 days after any such change of

membership, is placed and thereafter maintained under the active charge of a qualified person.

Any transfer, cancellation, redemption or issuance of stock, or series of such transactions which result in the aggregate of a change in the ownership of more than 50 percent of the outstanding voting stock of any licensed corporation, or the dissolution of any licensed corporation, shall terminate and void all licenses issued to it, except that no change in ownership of stock shall affect the license of any office or agency of the corporation which is and continues under the active charge of a qualified person or a person who has been continuously in the active charge of a licensed collection agency for at least five years immediately preceding the transaction resulting in such change of ownership, or which, within 30 days after any such change of ownership, is placed and thereafter maintained under the active charge of a qualified person; provided, however, that the acquisition of any voting stock in any licensed corporation by a person who has had a collection agency license revoked for cause, or has been found disqualified from further employment in the collection agency business pursuant to Article 10, or by a partner, officer, director or trustee of any partnership, corporation or unincorporated association which has had its license revoked for cause, shall be ground for immediate revocation, in the discretion of the board, of any and all licenses of such corporation.

Every licensed corporation and unincorporated association shall promptly file with the Secretary of State a written report of any transfer, issuance, cancellation or redemption of stock or memberships amounting to 10 percent or more of the total voting stock or memberships then outstanding.

SEC. 17. Section 6914 of said code is amended to read:

6914. In case of the death of an individual licensee who leaves a going collection agency business as part of his estate the Secretary of State shall, upon proper application, issue a temporary license to the personal representative, or to the nominee of the personal representative, of the deceased licensee. In the case of the dissolution, by death or otherwise of a licensed copartnership, the Secretary of State shall, upon proper application, issue to the surviving partner or partners a temporary license. Death of licensee

The application shall be in writing, subscribed and sworn to by the person to whom the temporary license is to be issued The application shall be accompanied by the bond provided for in Article 6 and the temporary license fee specified in Article 12.

The provisions of Articles 4 and 5 shall not apply to any application for temporary license.

A temporary license shall be effective for a period of one year and shall not thereafter be renewed or continued.

SEC. 18. Section 6915 of said code is amended to read:

6915. On or before the thirty-first day of January and on or before the thirty-first day of July of each year every licensee shall file in the Office of the Secretary of State a financial state- Semiannual financial statements

ment showing each customer's share of all money collected, with dates of collection, up to the close of business of the preceding month, which has not been remitted to or properly charged against customers prior to the date of execution of the statement. The statement shall also show the exact amounts of customers' funds on deposit and in licensee's possession on the date of execution of the statement together with the title of the trust account and the name of the bank in which the customers' funds are deposited. Each statement shall be verified by the oath of the licensee, if an individual, or of the managing partner, managing employee, director or trustee, if a partnership, corporation or unincorporated association, or by the oath of the qualified person in active charge of the agency.

Any false statement shall constitute prima facie evidence of wilful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

SEC. 19. Section 6921 of said code is amended to read:

Qualified office heads

6921. Every office licensed after May 1, 1941, whether a main or branch office, shall be under the active charge of a qualified person.

This section does not apply to an office licensed prior to May 2, 1941.

SEC. 20. Section 6922 of said code is amended to read:

Same

6922. Whenever a person actively in charge of an office to which Section 6921 applies ceases to be in charge, the licensee shall notify the Secretary of State in writing within 10 days from such cessation.

If the notice is given the license shall remain in force for a reasonable period to be determined by the rules and regulations. If the licensee fails to give the notice as required, at the end of the 10-day period the license shall be ipso facto suspended, but the license shall be reinstated upon the filing of an affidavit by the licensee, if an individual, or by a partner, trustee, or director of the licensee, if a partnership, unincorporated association or corporation to the effect that the person formerly in charge of the office has been replaced by a qualified person.

SEC. 21. Section 6923 of said code is amended to read:

Same: Disqualification

6923. Except as hereinafter provided no person shall be in charge of any licensed office or agency if such person has ever had a license revoked for cause or has ever been disqualified from further employment in the collection agency business pursuant to Article 10; was a partner, managing employee, officer, director, trustee or stockholder of a partnership, corporation or unincorporated association a license of which has been revoked for cause; or has been convicted of the crime of fraud, embezzlement or any crime involving moral turpitude.

Any such person may file with the chief a petition for determination of rehabilitation setting forth the grounds upon which petitioner claims fitness to engage in the collection agency business. If the chief finds, after due investigation, sufficient evidence of rehabilitation the matter shall be referred to the

board for hearing and determination in accordance with the Administrative Procedure Act, Chapter 5, Part 1, Division 3, Title 2 of the Government Code, otherwise the petition shall be denied by the chief without prejudice to the filing of another petition at any time not sooner than one year. After the hearing the board shall determine the fitness of the petitioner to engage in the collection agency business and shall either certify petitioner to the Secretary of State for license or examination or deny the petition without prejudice to the filing of a new petition at any time not sooner than one year.

SEC. 22. Section 6925 of said code is amended to read:

Misconduct

6925. The Secretary of State or any person aggrieved may file with the chief or the Secretary of State, a written statement charging any licensee or employee with specific acts of misconduct or violations of law. All such statements shall be referred to the chief for investigation and report.

It shall also be the duty of the chief to initiate and conduct investigations into the business and affairs of licensees on his own motion and report any evidence and findings of misconduct or violations of law by formal accusation filed with the board.

Adjudication as a bankrupt of a licensee or of a partner in a licensed copartnership constitutes ground for the institution of disciplinary proceedings and revocation of license or other disciplinary action.

SEC. 23. Section 6931 of said code is amended to read:

Penalty

6931. Any person who has been disqualified for collection agency employment or license pursuant to the provisions of this chapter who shall thereafter obtain employment in the collection agency business or participate therein as a licensee, as a partner, as a director, trustee, officer or shareholder of a corporation licensee, or as officer, trustee or director of an unincorporated association licensee without having first been expressly found by the board and certified to the Secretary of State, after due hearing as provided in this chapter, to be fit to engage in the collection agency business shall be guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding six months or by both fine and imprisonment.

SEC. 24. Section 6938 of said code is repealed. Repeal

SEC. 25. Section 6941 of said code is repealed. Repeal

SEC. 26. Section 6942 of said code is repealed. Repeal

SEC. 27. Section 6943 of said code is repealed. Repeal

SEC. 28. Section 6944 of said code is repealed. Repeal

SEC. 29. Section 6948 of said code is amended to read:

Employment of prohibited persons

6948. The employment by a licensee of a person who has been adjudged disqualified for employment or license pursuant to the provisions of this chapter or who has been convicted of a felony or any crime involving moral turpitude with knowledge of such disqualification or conviction shall constitute grounds for revocation of license or other disciplinary action unless, subsequent to the particular disqualification or conviction, such

person shall have been expressly found by the board and certified to the Secretary of State, after due hearing as provided in this chapter, to be fit to engage in the collection agency business.

SEC. 30. Section 6956 of said code is amended to read:

Fees

6956. The Secretary of State shall charge and collect the following fees:

(a) An original license fee of one hundred dollars ($100) for each original license.

(b) A continuation fee of thirty-five dollars ($35) annually payable on or before the thirtieth day of June of each year.

(c) A duplicate license fee of ten dollars ($10).

(d) A temporary license fee of thirty-five dollars ($35).

(e) A delinquency fee of ten dollars ($10).

(f) An examination fee of twenty-five dollars ($25).

(g) A copy fee of twenty-five cents ($0.25) per 100 words copied.

CHAPTER 1170

An act to amend Sections 4663, 4911.1, 4912, and 4912.2 of, and to add Section 4663.1 to, the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 22, 1951. Filed with Secretary of State June 22, 1951.]

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

SECTION 1. Section 4911.1 of the Education Code is amended to read:

Reorganization of school districts

4911.1. In the event the county committee transmits plans and recommendations to the State Board of Education, pursuant to Section 4902, for the reorganization of the school districts in the county other than the formation of a unified school district, the proposed reorganization, if approved by the State Board of Education, shall be deemed to be the filing of a petition with the State Board of Education, the appropriate board of supervisors, or with the county superintendent of schools, as the case may be. The State Board of Education shall notify the board of supervisors and the county superintendent of schools having jurisdiction over the school districts affected thereby of its action, and the proposed reorganization of the school districts shall then be held and conducted in accordance with the applicable provisions of this code as though such petition had been originally filed with such board of supervisors or with the county superintendent of schools, except that no action required by any other provision of this code shall be necessary to give the board of supervisors or county superintendent of schools jurisdiction in the matter.

SEC. 2. Section 4912 of said code is amended to read:

Special election

4912. Except as otherwise provided in Section 4912.2 the county superintendent of schools of the county in which the greater part of such area is located shall cause to be held a special election in the elementary school district or unified school district, or districts affected for the purpose of adopting or rejecting the plans and recommendations of the county committee or committees. The county committee or committees shall hold, following the approval by the State Board of Education of the recommendations of the county committee, one (1) or more public hearings at least ten (10) days prior to such election within the area affected by a proposal for unification. The county committee or committees may designate any member to hold and conduct any public hearing required to be held. Such election shall be held between July 1st and December 31st of the year in which the county superintendent of schools was given notice by the State Board of Education under Section 4911 except that if such notice is not received on or before November 1st, the election shall be held between July 1st and December 31st of the following year.

SEC. 3. Section 4912.2 of said code is amended to read:

Exclusion election

4912.2. In the event the plans and recommendations of a county committee for an area provide for the exclusion of territory from a school district, the county committee may determine that as to said district the election shall be held only in said territory. In the event the county committee makes such determination and notifies the county superintendent of schools whose duty it is under Education Code Section 4912 to call the election provided for in said section prior to the date he calls the election, the county superintendent of schools shall as to said district call the election only in said territory.

SEC. 4. Section 4663 of said code is amended to read:

Annexation of districts

4663. One or more contiguous elementary or high school districts, one of which is contiguous to a unified school district, may be annexed to the unified school district not later than the first day of February in any school year by the board of supervisors of the county having jurisdiction over the unified school district whenever a majority of the qualified electors in each of the elementary or high school districts voting at an election held for that purpose vote in favor of the annexation and the governing board of the unified school district has filed its approval of the annexation, in writing, with the board of supervisors. The election shall be called by the county superintendent of schools having jurisdiction over the unified school district whenever a majority of the registered electors residing in each of the elementary or high school districts petition the county superintendent of schools to call the election or whenever the State Board of Education notifies the county superintendent of schools of its approval of plans and recommendations of a county committee pursuant to Section 4911.1.

No petition shall be accepted by the county superintendent of schools after December 15th in any fiscal year.

SEC. 5. Section 4663.1 is added to said code, to read:

Annexation election

4663.1. When an election is called for the annexation of one or more contiguous elementary or high school districts, one of which is contiguous to a unified school district, after the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts, the election shall be held and conducted in accordance with the provisions of this article and the annexation of such elementary or high school districts to a unified school district may be effected without such elementary or high school districts first withdrawing from any school district.

Urgency

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

Under the existing law, there is no method by which an elementary school district which is a part of a city high school district may be annexed to a contiguous unified school district, nor is there any procedure prescribed whereby an elementary or high school district which is a part of another district may be annexed to a contiguous unified school district without first withdrawing from the district of which it is a part. This act would eliminate delay in annexations to a unified school district by allowing annexations in all such cases without the initiation of withdrawal proceedings.

It is therefore necessary that this act take effect immediately in order for unified school districts to make plans for necessary new sites and buildings, based on the new boundaries, rather than the present boundaries, of the district, so that the schools built in the unified district through the state school building aid program will be situated so as to serve the needs of the reorganized district.

CHAPTER 1171

An act to amend Section 6366 of the Revenue and Taxation Code, relating to exemptions of aircraft from the sales and use tax.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 6366 of the Revenue and Taxation Code is amended to read:

Aircraft exemptions

6366. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption of aircraft sold to persons using such aircraft as certificated or licensed carriers of persons or property

in interstate or foreign commerce under authority of the laws of the United States or any foreign government, or sold to any foreign government for use by such government outside of this State, or sold to persons who are not residents of this State and who will not use such aircraft in this State otherwise than in the removal of such aircraft from this State.

CHAPTER 1172

An act to amend Section 10292 of the Insurance Code, relating to insurance.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 10292 of the Insurance Code is amended to read:

Supplemental contracts

10292. A supplemental contract of the kind mentioned in Section 10271 shall not be delivered or issued for delivery to any person in this State until a copy of the form thereof is submitted to and approved by the commissioner. If such supplemental contract is an integral part of a contract of life insurance, the entire contract shall be submitted to the commissioner but his power of approval or disapproval is limited to the supplemental portion described in such section and such other portions as relate to such supplemental portion. The commissioner may make reasonable rules and regulations concerning the provisions in such contracts and their submission to and approval by him as are necessary, advisable or convenient to enforce the standards set forth in this chapter found by him to be applicable to any such supplemental contract; provided, however, that none of the standards set forth in Section 10291.5 except those in subsections (a) and (b) (1) thereof, shall be deemed applicable to such supplemental contract.

CHAPTER 1173

An act assenting to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

Assent to congressional act

SECTION 1. The State of California hereby assents to the provisions of the act of Congress entitled "An act to provide

that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public Law 681, Eighty-first Congress), and the Fish and Game Commission is hereby authorized and empowered to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the Secretary of the Interior thereunder; and no funds accruing to the State of California from license fees paid by fishermen shall be diverted for any other purpose than the administration of the Department of Fish and Game and for the protection, propagation, preservation, and investigation of fish and game.

CHAPTER 1174

An act to add Section 1730.6 to the Insurance Code, relating to receipt and holding of fiduciary funds by managing general agents.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 1730.6 is added to the Insurance Code, to read:

Managing general agent

1730.6. As used in this section a managing general agent is a licensed insurance agent who, (1) has a written management contract with one or more admitted insurers covering business transacted by the insurer in a substantial portion of the State of California; (2) under such contract manages the transaction of either all or one or more of the classes of insurance written by such insurers in that territory or the transactions therein by such insurers under a specified fictitious underwriter's name; (3) has the power to appoint, supervise and terminate the appointment of local agents in such territory; (4) has the power to accept or decline risks; and (5) collects premium moneys from producing agents and brokers and remits such moneys to such insurers pursuant to the account current system.

Any such managing general agent may, with respect to any principals for whom fiduciary funds are held, either comply with Section 1730.5 or with respect to such principals as have in writing specifically waived the segregation requirements of said section, comply with this section. A managing general agent electing to comply with this section may commingle the funds of any such principal with his own funds to an unlimited extent and shall maintain such fiduciary funds held for such principals at all times in a bank account or depository in an amount equal to the net aggregate for all such principals of the premiums and return premiums, net of commissions, received by him and

unpaid to the persons entitled thereto or, at their direction or pursuant to written contract, for the account of such persons. In computing such net aggregate any balance owed to such managing general agent by any principal may be deducted only if (1) such balance will, in the normal course of business and pursuant to written contract, be paid or allowed to such managing general agent by such principal and (2) such principal is not in liquidation or conservation in any jurisdiction and is not the subject of voluntary or involuntary receivership proceedings

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CHAPTER 1175

An act to amend Sections 922.1, 922.2, and 1591, to amend Section 922.5 and renumber it Section 922.8 and to repeal Sections 922.3 and 922.4 of, and to add Sections 922.3, 922.4, 922.5, 922.6 and 922.7 to, the Insurance Code, relating to financial statements of insurers.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 922.1 of the Insurance Code is amended to read:

922.1. Subject to the limitations contained in Sections 922.2 to 922.8, inclusive, the following deductions may be made from the liabilities required to be shown by this article in the event that the whole or any portion of the risks insured by an insurer has been reinsured by another insurer: Deductions from liabilities

(a) The amounts recoverable by the insurer from such reinsurer for losses due and unpaid, for claims for losses resisted by the insurer and for losses in process of adjustment or in suspense including all reported or supposed losses.

(b) The ratable portion of the gross unearned premium on the risks so reinsured except in the case of excess loss and catastrophe reinsurance where the deduction shall be on the basis of the actual reinsurance premiums and actual reinsurance terms.

This section and Sections 922.2 to 922.8, inclusive, shall not apply to life insurance risks nor in any way limit or otherwise affect deductions from liabilities or assets claimed on account of reinsurance permitted with respect to such risks.

Section 922.5 shall not apply to reinsurance ceded to an alien reinsurer which complies with Article 2, Chapter 4 of this part and includes in the statements required by that article all reserves and liabilities arising out of such reinsurance.

SEC. 2. Section 922.2 of said code is amended to read:

922.2. No such deductions specified in Section 922.1 shall be made or allowed unless the contract of reinsurance contains provision in substance as follows: Same Exceptions

The portion of any risk or obligation assumed by the reinsurer, when such portion is ascertained, shall be payable on demand of the ceding insurer at the same time as the ceding insurer shall pay its net retained portion of such risk or obligation, with reasonable provision for verification before payment, and the reinsurance shall be payable by the reinsurer, on the basis of the liability of the ceding insurer under the contract or contracts reinsured without diminution because of the insolvency of the ceding insurer. In the event of insolvency and the appointment of a conservator, liquidator or statutory successor of the ceding company, such portion shall be payable to such conservator, liquidator or statutory successor immediately upon demand, with reasonable provision for verification, on the basis of claims allowed against the insolvent company by any court of competent jurisdiction or by any conservator, liquidator or statutory successor of the company having authority to allow such claims, without diminution because of such insolvency or because such conservator, liquidator or statutory successor has failed to pay all or a portion of any claims. Payments by the reinsurer as above set forth shall be made directly to the ceding insurer or to its conservator, liquidator or statutory successor, except where the contract of insurance or reinsurance specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer.

The reinsurance agreements may provide that the conservator, liquidator or statutory successor of a ceding insurer shall give written notice of the pendency of a claim against the ceding insurer indicating the policy or bond reinsured, within a reasonable time after such claim is filed and the reinsurer may interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which it may deem available to the ceding company or its conservator, liquidator or statutory successor. The expense thus incurred by the reinsurer shall be payable subject to court approval out of the estate of the insolvent ceding insurer as part of the expense of conservation or liquidation to the extent of a proportionate share of the benefit which may accrue to the ceding insurer in conservation or liquidation, solely as a result of the defense undertaken by the reinsurer.

The original insured or policyholder shall not have any rights against the reinsurer which are not specifically set forth in the contract of reinsurance, or in a specific agreement between the reinsurer and the original insured or policyholder.

Repeal

SEC. 3. Sections 922.3 and 922.4 of said code are repealed.

SEC. 4. Section 922.5 of said code is renumbered Section 922.8, and amended to read:

Losses as assets

922.8. Losses or portions thereof paid by the ceding insurer which are recoverable from an admitted reinsurer may be allowed as assets of such ceding insurer. Losses or portions thereof paid by the ceding insurer which are recoverable from a nonadmitted reinsurer may be allowed as assets of such ceding insurer for 90 days after the payment of such losses by the

ceding insurer, or for periods preceding specified settlement dates, to the extent that the ceding insurer holds the funds of or deposits made by the reinsurer or there has been a deposit in trust, conforming to the requirements of Section 922.5. With respect to reinsurance in nonadmitted reinsurers, the commissioner may disallow such assets if the reinsurer does not meet the standards set forth in Sections 922.4 and 922.5.

SEC. 5. Section 922.3 is added to said code, to read:

922.3. No such deduction specified in Section 922.1, nor any credit whatsoever, shall be allowed in any accounting or financial statement of the ceding insurer in respect to any so-called reinsurance contract unless, in such contract, the reinsurer undertakes to indemnify the ceding insurer, not only in form but in fact, against all or a part of the loss or liability arising out of the original insurance. Deduction not allowed

SEC. 6. Section 922.4 is added to said code, to read:

922.4. Credit in accounting and financial statements on account of reinsurance ceded to a nonadmitted reinsurer other than an alien reinsurer shall be allowed only: Credit allowed

(a) Where it is demonstrated by the ceding insurer to the satisfaction of the commissioner that such reinsurer maintains the standards and meets the financial requirements applicable to an admitted insurer, or

(b) To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from such trust cannot be made without the consent of the ceding insurer.

SEC. 7. Section 922.5 is added to said code, to read:

922.5. Credit in accounting and financial statements permitted by this code on account of reinsurance ceded to an alien reinsurer shall be allowed only: Same Alien reinsurers

(a) To the extent of the amount of deposits by, and funds withheld from, such alien reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System, if withdrawals from such trust cannot be made without the consent of the ceding insurer, or

(b) Where such alien reinsurer maintains sufficient assets in the United States for the protection of policyholders in the United States and operates its business in such manner as to satisfy the commissioner that it maintains standards and financial condition reasonably comparable to those required of admitted insurers and that it is able to pay losses in the United States.

SEC. 8. Section 922.6 is added to said code, to read:

Withheld deposits, etc

922.6. Deposits and funds withheld under reinsurance treaties shall be reported on the asset side of the financial statement of the ceding insurer, separately from other assets, supported by a detailed schedule describing the deposits or securities in which the withheld funds are invested, and such deposits and securities shall be valued in the same manner as if they were assets of an admitted insurer. Such schedule need not allocate such deposits or securities to the accounts of specific reinsurers or reinsurances.

SEC. 9. Section 922.7 is added to said code, to read:

Canceling reinsurance contract

922.7. Where, under the terms of a reinsurance contract, the reinsurer is entitled to cancel such contract without the consent of the ceding insurer on less than 90 days notice, without providing for a runoff of the reinsurance in force at the date of cancellation, credit for commission shall be allowed on the financial statement of the ceding insurer only as and to the extent that such commission is actually earned. In the case of a reinsurance contract requiring 90 or more days notice of cancellation and involving reinsurance of more than 20 percent of the ceding insurer's gross unearned premiums before any deduction for such reinsurance, the ceding insurer, within 30 days after receiving notice of cancellation, shall notify the commissioner of the fact of cancellation and the estimated amount of gross unearned premiums and return commissions involved.

SEC. 10. Section 1591 of said code is amended to read:

Alien insurers' statement

1591. In addition to complying with all other applicable requirements of this code, every admitted alien insurer shall on or before the first day of March in each year after the year 1941, file with the commissioner a statement on a form prescribed by him, showing as of the thirty-first day of December then next preceding, the following information:

(a) All of its assets within the United States on deposit with officers of any state thereof for the benefit and security of all the policyholders, or of all the policyholders and creditors, of such alien insurer within the United States. Such assets so deposited are designated "general state deposits."

"General state deposits"

(b) All of its assets within the United States, other than general state deposits, on deposit with officers of any state thereof for the benefit and security of all the policyholders, or policyholders and creditors, of such alien insurer within the state of deposit or of certain classes of policyholders, or policyholders and creditors, either within the state of deposit or within the United States. Such assets so deposited are designated "special state deposits." The value to be allowed in such statement for any special state deposit shall not exceed the liability secured thereby.

(c) All of its assets within the United States, other than general state deposits and special state deposits, held by any trustee for the benefit and security of all the policyholders, or of all the policyholders and creditors, of such alien insurer

within the United States. Such assets so held are designated "trusteed assets." "Trusteed assets"

(d) The amount of interest receivable, accrued at the date of such statement on the general state deposits, the special state deposits, and the trusteed assets of such alien insurer, if such interest is collectible by the State or trustee.

(e) All of the reserves and other liabilities arising out of policies or obligations issued, assumed or incurred by such alien insurer in the United States. Said reserves and other liabilities are designated as "liabilities in the United States."

For the purpose of determining the liabilities in the United States of such alien insurer there may be deducted:

(1) From the amount of such liabilities for unpaid losses, the amount, included therein, of reinsurance recoverable thereon from insurers authorized to do business in any state of the United States, subject (except as to life insurance) to the same limitations as are contained in Sections 922.2 to 922.4, inclusive, and in Sections 922.6 and 922.8.

(2) From the amount of such liabilities for unearned premiums, first, the unearned portion, included in such amount, of premiums receivable by such alien insurer from its agents or policyholders under policies issued by it in the United States and not more than 90 days past due on the date of such statement, and second, subject (except as to life insurance) to the same limitations as are contained in Section 922.4, the unearned portion, included in such amount of reinsurance premiums receivable by such alien insurer from other insurers authorized to do business in any state of the United States.

(3) The ratable portion, included in such liabilities, of the gross liabilities and reserves on risks reinsured, in whole or in part, by an alien insurer which complies with this article and includes in the statements required thereby all reserves and liabilities arising out of such reinsurance, or, subject (except as to life insurance) to the same limitations as are contained in Sections 922.2 to 922.8, inclusive, by another insurer which is authorized to transact insurance in any state of the United States, except in the case of excess loss and catastrophe reinsurance where the deduction shall be on the basis of the actual reinsurance premiums and the actual reinsurance terms.

(4) Those liabilities in the United States, pertaining to any asset in the United States of such alien insurer, other than the assets described in subdivisions (a), (b), (c), and (d), but such deduction shall in no case exceed that portion of the value of such asset which is applicable to the liability pertaining thereto.

(5) If such alien insurer is a life insurer, the amount of the unpaid principal and interest of any loan made by it to the holder of, and solely on the security of, any policy of life insurance or annuity contract issued or assumed by it, on the life of or to any person in the United States. Such amount shall in no case exceed the amount of the reserve required to be maintained

on such policy or annuity contract by such insurer. Such amount is designated as "policy loans in the United States."

(f) Such further information required by the commissioner, as he deems necessary to apply the provisions of this article.

CHAPTER 1176

An act to amend Section 2055 of the Code of Civil Procedure, relating to examination of witnesses.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 2055 of the Code of Civil Procedure is amended to read:

Adverse witnesses

2055. A party to the record of any civil action or proceeding or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent, member, agent, employee, or managing agent of any such party or person, or the agent, officer or employee of a municipal corporation which is a party to the action or proceeding, may be examined by the adverse party as if under cross-examination, subject to the rules applicable to the examination of other witnesses. The party calling such adverse witness shall not be bound by his testimony, and the testimony given by such witness may be rebutted by the party calling him for such examination by other evidence. Such witness, when so called, may be examined by his own counsel, but only as to the matters testified to on such examination.

CHAPTER 1177

An act to amend Section 330 of the Fish and Game Code, relating to the acquisition and administration of refuges, game farms, preserves, and public shooting grounds.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 330 of the Fish and Game Code is amended to read:

Income from wildlife areas

330. When income is derived directly from real property acquired by the State of California for and operated by the State as wildlife management areas, and regardless of whether income is derived from property acquired after the effective date of the amendment to this section adopted in 1949, the department shall reimburse annually the county in which such property is located an amount equal to the county taxes levied

upon such property at the time title to said property was transferred to the State. Such annual reimbursements shall be paid from the Fish and Game Preservation Fund or other funds available to the Department of Fish and Game.

As used in this section, the term "wildlife management area" includes waterfowl management areas, deer ranges and public shooting grounds, and upland game bird management areas and public shooting grounds. "Wildlife management area"

CHAPTER 1178

An act to amend Section 2235 of the Corporations Code, relating to cumulative voting for directors of corporations.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.] In effect September 22, 1951

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

SECTION 1. Section 2235 of the Corporations Code is amended to read:

2235. Every shareholder entitled to vote at any election for directors of any corporation for profit may cumulate his votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which his shares are entitled, or distribute his votes on the same principle among as many candidates as he thinks fit. Cumulative voting

The candidates receiving the highest number of votes up to the number of directors to be elected are elected.

The right of cumulative voting for directors extends to the members or shareholders of any mutual water company organized or existing for the purpose of delivering water to its shareholders or members at cost on lands located within the boundaries of one or more reclamation districts now or hereafter legally existing in this State and created by or formed under the provisions of any statute of this State, but does not otherwise extend to the members or shareholders of mutual water companies unless their articles or by-laws so provide.

The right of cumulative voting for directors does not extend to members of nonstock corporations or to members or shareholders in cooperative corporations unless their articles or by-laws so provide.

CHAPTER 1179

An act to amend Section 2 of, and to add Section 3 to, an act entitled "An act relating to the application, acceptance and use of funds or assets of the California Rural Rehabilitation Corporation from the trustee thereof" (Chapter 414, Statutes 1949), relating to the purposes for which funds may be used.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

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

Disposition of trust assets

Sec. 2. Any such trust assets referred to in Section 1 of this act which may be transferred or returned to this State or to the duly designated agency or official thereof shall be deposited in the State Treasury to the credit of said California Farm Debt Adjustment Commission or to the credit of the Department of Agriculture Fund, as the case may require. Such funds or other assets shall be used by the aforesaid designated agency or official for the purpose of conducting rural rehabilitation work or for any purpose similar thereto or in accordance with Section 3 of this act. No liability shall accrue to the United States or to the Secretary of Agriculture thereof by virtue of any transfer made pursuant to Section 1 of this act.

SEC. 2. Section 3 is added to the act referred to in the title hereof, to read:

Agreements authorized

Sec. 3. The Director of Agriculture is hereby authorized to enter into agreements with the Secretary of Agriculture in order to make available for use in this State any trust assets received by the director under this act in accordance with and for the purposes set forth in Section 2 (f) of the "Rural Rehabilitation Corporation Trust Liquidation Act" (Public Law 499—Eighty-first Congress; Chapter 152—Second Session, approved May 3, 1950), which act also authorizes the Secretary of Agriculture to make agreements with the state official having jurisdiction of such trust assets as may be returned to the State in accordance with the provisions of said Public Law 499.

CHAPTER 1180

An act to amend Section 22280 of, and add Section 22281.1 to, the Water Code, relating to charges in irrigation districts.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 22280 of the Water Code is amended to read:

22280. Any district may in lieu in whole or in part of levying assessments fix and collect charges for any service furnished by the district, including any and all of the following: Permissible charges

(a) Use, sale, or lease of water, which may include a stand-by charge whether the water is actually used or not.

(b) Delivery of water for irrigation in excess of a specified quantity per unit of land.

(c) Water and the service thereof required by law or provisions of agreements under which all or part of the water supply of the district was acquired to be furnished outside its boundaries to consumers whose rights to service were at the time the supply of water was acquired by the district enforceable by reason of their status as persons of the class for whose benefit the water was appropriated or dedicated.

(d) Use of water for power purposes.

(e) Sale of electric power.

(f) Connections to new pipelines or extensions of existing pipelines required to serve water to lands in the district not adjacent to existing distribution works and which have been constructed in whole or in part at the expense of the district.

SEC. 2. Section 22281.1 is added to the Water Code, to read:

22281.1. A district may establish a charge for the right to connect to new pipelines or extensions of existing pipelines constructed in whole or in part at the expense of the district in such amounts as in the opinion of the board will reimburse the district for the cost of construction advanced by the district. Connection charge

The connection charge shall be as nearly as possible an amount equal to that proportion of the cost of construction of the new pipeline or extension that the area to be served by the connection bears to the total area to be served by the new pipeline or extension.

CHAPTER 1181

An act to add Section 1164 to the Fish and Game Code, relating to shooting of human beings.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1164 is added to the Fish and Game Code, to read:

1164. Whenever any person, while hunting, kills or wounds any human being and that fact is ascertained by the commission, the commission shall revoke the hunting license of such person and no such license shall thereafter for a period of five years be issued to such person. The proceeding for revocation shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the commission shall have all the powers granted therein. Shooting human beings

CHAPTER 1182

An act to amend Section 28140 of the Government Code, relating to compensation for public service in counties of the fortieth class.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 28140 of the Government Code is amended to read:

Tehama County Officers Salaries

28140. In a county of the fortieth class the annual salary of each supervisor is two thousand four hundred dollars ($2,400). All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Grand jurors and trial jurors in the superior court shall receive three dollars ($3) a day for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor on the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1183

An act to amend Section 690 of the Elections Code, relating to the compensation of members of precinct boards.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 690 of the Elections Code is amended to read:

Compensation of precinct board members

690. Each member of a precinct board shall receive as compensation for his services a sum fixed by the board of supervisors of the county which sum shall be paid out of the treasury of the county in which he acts. The inspector may receive up to three dollars ($3) more compensation than the other members of the precinct board. The inspector shall receive not more than eighteen dollars ($18) and the other members shall receive not more than fifteen dollars ($15).

CHAPTER 1184

An act to amend Sections 18002 and 18003 of the Education Code, relating to insurance of school districts.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 18002 of the Education Code is amended to read:

Property insurance

18002. The governing board of any school district shall furnish, repair, insure, and in its discretion rent the school property of its districts. The insurance shall be written in any admitted insurer. In districts within or partly within cities of the first class or of the first and one-half class fire insurance on property of the districts may be, in the discretion of the governing board, of the deductible type of coverage. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

SEC. 2. Section 18003 of the Education Code is amended to read:

Fire loss fund

18003. In districts situated within or partly within cities of the first class or of the first and one-half class any board of education may establish a fund in the county treasury for the purpose of covering fire losses to school property in lieu of carrying fire insurance in insurance companies as provided in Section 18002 of this code. In such fund shall be placed such sums, to be provided in the budget of the district, as will create an amount, which together with investments made from such fund, will be sufficient in the judgment of the board of education of the district upon the advice of competent actuaries to protect such board of education against losses by fire on all or any part of the school property within its jurisdiction. Nothing contained herein shall be construed as prohibiting the board of education of the district from providing protection against fire losses partly by means of such fund and partly by means of fire insurance written by fire insurance companies as provided in Section 18002 of this code.

Such fund shall be considered as separate and apart from all other funds of the district and the balance therein shall not be considered as being part of the working cash of the district in compiling annual budgets or fixing annual tax rates.

Warrants shall not be drawn on or transfers made from the fund so created except to reimburse the district for losses by fire and then only after resolution duly adopted by the board of education of the district based upon findings by competent appraisers.

The cash placed in such fund may be invested and reinvested by the county treasurer with the advice and consent of the board of education of the district in securities which are

legal investments for surplus county funds in this State. The income derived from such investments together with interest earned on uninvested funds shall be considered revenue of and be deposited in such fund

The county treasurer shall make quarterly reports to the board of education of the district as to the condition of the fund, using as a basis for such report the cost or market value, whichever may be the lower, of the securities held as investments plus the cash in such fund.

CHAPTER 1185

An act to add Section 679.1 to the Vehicle Code, relating to rules governing the loading and securement of logs and poles.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 679.1 is added to the Vehicle Code, to read:

Loading, etc., of logs and poles

679.1. Loading and Securement of Logs and Poles. The following are the rules governing the loading and securement of logs and poles for transportation over public highways by vehicles:

Part 1. General Rules

Minimum binder requirements

1. Minimum Binder Requirements (Molly Hogans and Lapped Cold Shuts prohibited except in an emergency).

a. Wire Rope. Three-eighths inch (⅜") Plow Steel in good condition.

b. Steel Chain. Three-eighths inch (⅜") high test steel.

c. Binders shall be equipped with tighteners which shall be of a locking type and designed to develop strength at least equal to that of the binder.

d. Binders and binder tighteners shall be maintained in good condition.

e. Binders securing loads shall be tightened and locked prior to a vehicle entering upon a public highway and inspection shall be made en route to assure that the load is stable and that the binders are tight and locked. If the load becomes unstable, due to shifting or otherwise, the vehicle shall be driven from the main traveled portion of the public highway and shall not be again moved upon the main traveled portion of a public highway until corrective load or binder adjustments are made.

f. Gut wrappers shall be considered as binders except under Rules 9a to 9d inclusive, and where load encircling binders are otherwise prescribed. Gut wrappers shall be so arranged and tensioned that they do not bear full support of the logs or poles resting thereon.

2. Stakes. a. When wooden stakes are used, unless otherwise provided, stakes shall be not less than two inches by four inches (2″ x 4″) in thickness and width, respectively, when supporting loads less than five feet (5′) in height and shall be not less than four inches by four inches (4″ x 4″) when supporting loads in excess of five feet (5′) in height above top of vehicle bed. Stakes must be straight grained and free from strength impairing knots. Stakes

b. Stakes supporting loads shall be connected one to the other longitudinally at or near the top by binder or strap material or by one continuous length of lumber not less than one inch by four inches (1″ x 4″) in thickness and width, respectively, securely attached to each stake by nails or bolts.

c. When stakes are supporting loads in excess of two feet (2′) and less than five feet (5′) in height, each opposite pair of stakes shall be connected across the top of the load by materials similar to those described in Rule 2b.

d. When stakes are supporting loads in excess of five feet (5′) in height each opposite pair of stakes shall be connected across the top of the load by materials similar to those described in Rule 2b and, in addition, shall be connected at the approximate vertical midpoint by binder or strap material.

3. Minimum Strapping Specifications. When straps are used on stakes the minimum shall be three-fourths inch by thirty-five thousandths inch (¾″ x .035″), twenty-nine hundred (2900) pounds test, high tension band, machine tensioned and sealed with one (1) double crimp or two (2) single crimp seals. Straps may be of high tension wire or common annealed wire (twisted taut) provided that sufficient strands of such wire shall be used to give strength equal to that of the high tension band. The number of strands thus used shall depend upon the breaking strength assigned by a manufacturer to any particular gauge wire. Minimum strapping specifications

4. Stake Pockets. A stake pocket shall be designed to accept the stake and be equal to the stake strength. Stake pockets

5. Bulkheads. A substantial bulkhead shall be provided which shall extend up to the approximate height of the driver's compartment. Bulkheads

6. Log trailers being carried on trucks shall have at least one set of tires resting against a steel cross rail or rails and steel side chocks measuring not less than four inches (4″) from base to tip which shall be securely attached to said truck in a manner designed to prevent the forward and sideward movement of such trailer. Log trailers

7. Bunks and Chock Blocks. a. Chock blocks shall extend to not less than eight inches (8″) above the top edge of the bunk except when hauling poles less than twenty-five inches (25″) in diameter at the chock. Bunks and chock blocks

b. Chock block chains shall be not less than one-half inch (½″) high test steel chain.

c. No portion of chock blocks shall extend beyond the ends of the bunks to a point where tilting occurs.

d. Bunks shall have reasonably sharp top edges to minimize load end shift.

e. Bunks and chock blocks shall be maintained to operate freely without binding.

f. Bunks shall not be bent down in excess of one inch (1″) at either end.

Part 2. Logs and Poles

Construction of loads

8. Construction of Loads. a. Loads of logs and poles shall be loaded in pyramid fashion unless otherwise provided herein.

b. Loads of logs and poles shall be solidly packed and have the weight centered over the bunks.

c. Logs and poles less than twenty-five inches (25″) in diameter at the butt end may be loaded and transported on flat bed vehicles in other than pyramid fashion; provided, that the height of the load does not exceed the height of the bulkhead on the truck portion and that at least three pairs of stakes shall be in place in stake pockets when lengths are less than twenty feet (20′) and at least four pairs of stakes shall be in place in stake pockets when lengths exceed twenty feet (20′). Such stakes and stake pockets shall comply with Rules 2 and 4. (See Rule 8d.)

d. Loads constructed and protected in the manner prescribed in Rule 8c are exempted from the binder requirements set forth in Rules 9b to 9e, inclusive; provided, that the load occupies the full space between the opposite stakes and that not less than two (2) load encircling binders are in place, one near each end, tightly tensioned at all times on loads two (2) or more logs or poles in height.

Binding loads: Logging trucks

9. Binding Loads on Logging Trucks. a. A single log or pole shall be secured with one binder. Each end of such binder shall be secured to the trailer bunk.

b. Loads two (2) or more logs or poles in height shall have four (4) binders around load as evenly spaced as possible but with one binder firmly attached to the rear bunk.

c. Loads over six (6) logs or poles in height shall have six (6) binders, including gut wrappers, equally spaced. (See Rule 1. f.)

d. Short logs on top of load shall be secured to the load by two (2) of the binders specified herein.

Flat bed vehicles

10. Binding Loads on Flat Bed Vehicles (See also Rules 8c and 8d). a. Logs or poles loaded on flat bed vehicles, pyramid fashion, shall have all binders except gut wrappers secured to the vehicle, and shall also be provided with not less than three (3) stakes, of the type prescribed in Rule 10b, equally spaced on each side of the load.

b. Stakes, as prescribed in Rule 10a shall be not less than four inches by four inches (4″ x 4″), secured in stake pockets of the type and in the manner prescribed in the general rules. Such stakes shall extend to not less than one-half ($\frac{1}{2}$) the diameter of the log or pole directly adjacent to the stakes in the bottom layer of a pyramid load.

CHAPTER 1186

An act to amend Sections 428 and 404 of the Fish and Game Code, relating to fishing licenses.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 428 of the Fish and Game Code is amended to read:

428. Class B. A sporting fishing license, granting the privilege to take fish for purposes other than profit shall be issued: License fees

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3).

(b) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of ten dollars ($10).

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3) for a period of 10 days from date of issue.

(d) To any person, over the age of 16 years, not a citizen of the United States, upon the payment of twenty-five dollars ($25).

(e) To any citizen of the United States, over the age of 16 years, upon the payment of one dollar ($1) for a period of three days from date of issue. A license under this subdivision shall grant the privilege of taking fish from waters of the Pacific Ocean only. The amendments to this section shall become effective with the issuance of licenses for the 1952 fishing season.

SEC. 2. Section 404 of the Fish and Game Code is amended to read:

404. Not more than one license of the same class shall be issued to a person for the same license year, except upon affidavit showing the loss or destruction or expiration of the license previously issued and upon payment of the full fee. Any person authorized by the commission to issue licenses may administer the oath without any fee to accompany the affidavit. Limitations

SEC. 3. The provisions of subsection (e) of Section 428 shall be effective until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no force or effect. Duration

CHAPTER 1187

An act to amend Sections 25 and 36 of the Municipal and Justice Court Act of 1949, relating to municipal and justice courts

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 25 of the act cited in the title is amended to read:

Municipal and justice courts Salaries

Sec. 25. The salaries of the judges, clerks, marshals, constables and other officers or attaches of each municipal court and justice court shall be paid by the county in which the court is situated out of the salary fund or, if there is no such fund, out of the general fund of the county. A list showing the amount of compensation of such judges, clerks and other officers and attaches of each court, except marshals or constables thereof, shall be certified to the county auditor each month by the clerk of such court, if there is a clerk, otherwise by the judge of such court. A list showing the amount of compensation of the marshals of each municipal court, or the constables in each judicial district shall be certified to the county auditor each month by the marshal of such municipal court, or the constable of such judicial district. The board of supervisors shall provide suitable quarters for the municipal courts and justice courts, including heating, lighting and janitorial services, and shall supply them with furniture, books, and supplies necessary for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court or a division thereof when sessions are held at more than one place.

The provisions of the Municipal Court Act of 1925 relative to the obligations of counties and cities in connection with the cost of maintaining and operating municipal courts and relative to the disposition of fines and forfeitures collected therein shall not apply to municipal courts from and after January 1, 1952.

SEC. 2. Section 36 of said act is amended to read:

Justice courts Regulation of salaries

Sec. 36. The board of supervisors shall regulate the compensation of the judges and constables of justice courts, and prescribe the number, qualifications and compensation of such clerks, deputies and other attaches of justice courts as public convenience may require; provided, however, that in any county governed by a freeholder's charter, all such matters shall be regulated in the manner, if any, set forth in the charter with respect to township officers and employees.

In addition to their salaries, judges and clerks of justice courts shall be allowed their necessary traveling expenses at the rate fixed by the board of supervisors when the business of the court shall require their attendance at any session thereof held at a greater distance than 12 miles from the principal office or place designated for holding regular sessions of the court, and

the board of supervisors may allow the judges, officers and attaches of justice courts other expenses incurred in the actual performance of their duties.

CHAPTER 1188

An act to amend Section 5050.3 of the Welfare and Institutions Code, relating to emergency admission to institutions of persons who are believed to be mentally ill and to require immediate care and treatment.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 5050.3 of the Welfare and Institutions Code is amended to read:

Emergency commitment of mentally ill persons

5050.3. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer or health officer, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer or health officer. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's attention and shall also state that the officer believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized.

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours. Within said seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law.

CHAPTER 1189

An act to amend Sections 353.10, 351.9, 357.1, and 357.2 of, and to add Section 352 to, the Agricultural Code, relating to animals, including provisions relative to slaughter, hides, inspection, and meat thereof.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 351.9 of the Agricultural Code is amended to read:

Retention of hides

351.9. Every person not a licensed slaughterer who slaughters any cattle or calves, except calves marketed with the hides on, shall keep in his possession the hide thereof, with the brands attached thereto, without any alteration or disfiguration thereof, until said hide is inspected or released, and shall exhibit said hide to any inspector or peace officer on demand.

SEC. 2. Section 352 is added to said code, to read:

Same

352. No person shall have in his possession the carcass of a bovine animal or any meat thereof not slaughtered by a licensed slaughterer, unless he has in his possession and exhibits to any inspector or peace officer on demand either:

(a) The hide or hides of the animal or animals from which the meat was obtained, with ears and brands attached thereto, without alteration or disfiguration; or

(b) A certificate of inspection or release of the hide or of the carcass with the hide on, issued under the provisions of this article; or

(c) A bill of sale, memorandum of sale, or other written instrument, signed by the seller or donor of the meat, showing the name and address of the seller or donor.

SEC. 3. Section 353.10 of said code is amended to read:

Inspection fee

353.10. The fee for the inspection of cattle shall be twenty cents ($0.20) for each head of cattle originating in those counties or geographical areas where a full point of origin inspection is maintained pursuant to Section 348.1b. No fee shall be charged for suckling calves accompanying their mothers when not shipped for sale or slaughter and when no change of ownership is involved.

SEC 4. Section 357.1 of said code is amended to read:

Slaughtering own cattle

357.1. Any producer of cattle may slaughter or have slaughtered for him on his own premises, for his own consumption and in small numbers cattle of his own production and may sell or give away a portion of the meat thereof except to a peddler, retailer, hotel, restaurant, or any person offering the same for public consumption. When such person sells any of the meat thereof, he shall give to the buyer, and the buyer shall receive, a sales tag or sales memorandum, showing the names of the seller and buyer, the date of the sale and the quantity sold. The buyer shall retain said tag or memorandum for 30 days and exhibit it upon request of any inspector or any peace officer.

SEC. 5. Section 357.2 of said code is amended to read:

Unlicensed slaughterers

357.2. Every person not a licensed slaughterer who slaughters cattle shall keep a record in a book kept for that purpose of all cattle slaughtered by him, with a description thereof, including the brands and marks of such slaughtered cattle, and the date of slaughter, and shall exhibit such record on demand of any inspector or peace officer.

CHAPTER 1190

An act to amend Section 1203 of, and to add Section 2058 to, the Banking Code, and to amend Section 1203 of, and to add Section 2058 to, the Financial Code, relating to the purchase of all of the stock of a bank or trust company by another bank or trust company and to the deposit of assets to secure moneys payable to other states.

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 2058 is added to the Banking Code, to read:

Purchasing stock of other bank

2058. Subject to the prior approval of the Superintendent of Banks and the affirmative vote of two-thirds of all of its directors, a bank or trust company may purchase in one transaction 100 percent of the outstanding shares of any state bank or of a national banking association, or trust company operating in this State, in accordance with a plan by which:

1. The bank whose stock has been purchased shall immediately be merged with the purchasing bank in the manner contemplated by law; or

2. The bank whose stock has been purchased, shall immediately be dissolved, its assets vested in its shareholders and its deposits and all other liabilities, including trust liabilities, shall be assumed by the acquiring bank or trust company, subject to the right of each depositor of the bank whose stock has been purchased to withdraw his deposit and of the right of trustors and beneficiaries under trusts held by such bank to nominate another trustee as in the case of the purchase and sale of the business of a bank under Section 2051 of this code.

The acquiring bank may permit directors of the bank or trust company, whose shares are so acquired, to retain their respective qualifying shares until dissolution; provided, that each such director agrees to accept the purchase price of his shares in lieu of his proportionate share of the assets upon dissolution.

Upon the approval by the superintendent of the plan, he shall fix a time when the consummation of such plan shall become effective. Upon completion of the plan, the acquiring bank ipso facto and by operation of law and without further transfer, substitution, act or deed, succeeds to the rights, properties, assets, investments, deposits, demands, agreements and trusts of the bank or trust company whose stock has been purchased under all trusts, executorships, administrations, guardianships, agencies, and all other fiduciary or representative capacities to the same extent as though it had originally assumed the same and shall succeed to and be entitled to take and execute the appointment to all executorships, trusteeships, guardianships and other fiduciary and representative capacities to which the bank whose stock has been purchased may

be named, or is thereafter named, in wills whenever probated or to which it is, or may be named, or appointed by any other instrument, all subject to all other provisions of this code.

Before granting the approval required by this section, the superintendent may direct the purchasing bank to continue banking facilities at the location, or locations, of the purchased bank, if, in his judgment, public convenience would require the continuation of such banking facilities. The superintendent may also impose such other terms and conditions as will, in his judgment, be considered necessary to insure the faithful carrying out of the requirements hereof.

SEC. 2. Section 1203 of the Banking Code is amended to read:

Hypothecating assets

1203. A commercial bank may hypothecate its assets in any manner provided by law to secure the deposits of moneys of the United States, of postal savings funds, of bankrupt estates, of the State of California, or of any political subdivision, public corporation, or district of the State of California. With the prior approval of the Superintendent of Banks a bank may hypothecate its assets to secure moneys payable to other states.

NOTE: The sections of the Financial Code affected by this chapter appear in their proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code

Effect Stats 1951, Ch 364

SEC. 5. Sections 3 and 4 of this act become operative only if the Financial Code is enacted by the Legislature at the 1951 General Session, and in such case at the same time as said Financial Code takes effect, at which time Sections 1 and 2 of this act are hereby repealed.

CHAPTER 1191

An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties of the forty-third class.

In effect September 22, 1951

[Approved by Governor June 22, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 28143 of the Government Code is amended to read:

Glenn County officers Salaries

28143. In a county of the forty-third class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand two hundred dollars ($4,200) a year.

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, two hundred twenty-five dollars ($225) a month and mileage at the rate of twenty cents ($0.20)

for each mile actually traveled in the discharge of his duties either as road commissioner or supervisor, not to exceed in the aggregate six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor or road commissioner takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, to be allowed but once during each session the jurors are required to attend.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

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CHAPTER 1192

An act to add Section 1777.6 to the Labor Code, relating to apprenticeship.

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1777.6 is added to the Labor Code, to read:

1777.6. It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as indentured apprentices on any public works, solely on the ground of the race, creed, or color of such employee. Refusal to accept apprentices

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CHAPTER 1193

An act to repeal Chapter 10 of, and to add Chapter 10 to, Part 2 of Division 2 of the Insurance Code, relating to fraternal benefit societies.

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.] In effect September 22, 1951

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

SECTION 1. Chapter 10 of Part 2 of Division 2 of the Insurance Code is repealed. Repeal

SEC. 2. Chapter 10 is added to Part 2 of Division 2 of the Insurance Code, to read:

CHAPTER 10. FRATERNAL BENEFIT SOCIETIES

Article 1. Scope of Chapter

Code provisions applicable

10970. Fraternal benefit societies shall be governed by this chapter and shall be exempt from all other provisions of this code, except:

(a) Those provisions prior to Division 1 entitled "General Provisions."

(b) Sections 10112, 10114, 10171, and 10172.

(c) Articles 15 and 17 of Chapter 1, Part 2, Division 1.

(d) Those provisions specifically referred to in this chapter to the extent made necessary by such reference.

A statute relating to insurance shall not apply to them, unless they are expressly designated therein.

Exemptions

10971. This chapter shall not, except as provided by Sections 10972 and 10974, affect:

(a) A lodge operating under the lodge system, which provides in its by-laws or rules or regulations for the payment of death benefits not exceeding five hundred dollars ($500) on the death of a member or for the payment of disability benefits not exceeding five hundred dollars ($500) to a member during any period of 12 consecutive calendar months, or both such types of benefits.

(b) The subordinate branch of a lodge, as a lodge is defined in Section 10972, or any association formed by the members of a lodge, which association confines its membership to the members of such lodge, which subordinate branch or association (1) is organized without capital stock, (2) is organized and operated solely for the benefit of its members or their beneficiaries and not for profit, and (3) provides in its by-laws or rules or regulations for the payment of death benefits not exceeding five hundred dollars ($500) on the death of a member or for the payment of disability benefits not exceeding five hundred dollars ($500) to a member during any period of 12 consecutive calendar months, or both such types of benefits.

(c) A lodge operating under the lodge system or any subordinate branch thereof or any association formed by the members thereof which association confines its membership to the members of such lodge, which subordinate branch or association (1) is organized without capital stock, (2) is organized and operated solely for the benefit of its members or their beneficiaries and not for profit, and (3) provides in its by-laws or rules or regulations for the payment of death benefits not exceeding one thousand dollars ($1,000) on the death of a member or for the payment of disability benefits not exceeding one thousand dollars ($1,000) to a member during any period of 12 consecutive calendar months, or both such types of benefits and which paid such benefits on or before September 15, 1945.

(d) Contracts of reinsurance on a plan under subdivisions (a), (b) or (c).

Lodge
Essential characteristics

10972. (1) A lodge operating under the lodge system, as this term is used in Section 10971, shall have all of the following characteristics:

(a) It is organized without capital stock.

(b) It is organized and operated solely for the benefit of its members or their beneficiaries and not for profit

(c) It has a lodge system and representative form of government within the meaning of Section 10992, holds regular meetings at periodical intervals, and has a ritualistic form of work, and it has not less than 10 subordinate branches with more than a total of 1,000 dues-paying, active members in good standing.

(2) Any lodge, subordinate branch or association otherwise covered by Section 10971, which issues to any person a policy or certificate providing for the payment of benefits, shall comply with all the requirements of this chapter.

Required information

10973. The commissioner may require from any society such information as will enable him to determine whether or not such society is exempt from the provisions of this chapter.

Membership commissions

10974. A lodge, subordinate branch thereof or association formed by the members thereof which is exempted from the requirements of this chapter by Section 10971 shall not give or allow, nor promise to give or allow, any compensation for procuring new members.

Disability insurance

10975. Any fraternal benefit society organized and operating within the definition set forth in Sections 10990 to 10992 on July 29, 1911, providing benefits in case of death or disability resulting solely from accidents but not obligating itself to pay death or sick benefits, may obtain a certificate of authority under this chapter. Such society shall have all the privileges and shall be subject to all the provisions of this chapter, except those requiring medical examination, valuations of policies, and that the policies specify the amount of benefits.

Societies existing July 29, 1911

10976. Any incorporated fraternal benefit society engaged on July 29, 1911, in transacting business in this State may exercise all of the rights conferred by this chapter, and all of the rights, powers and privileges not inconsistent with this chapter, which were theretofore exercised or possessed by it under its charter. Any unincorporated fraternal benefit society thus engaged may incorporate hereunder.

A society already incorporated shall not be required to reincorporate hereunder. Any such society may amend its articles of incorporation. All such amendments shall be filed with the commissioner and shall become operative upon such filing, unless a later time is otherwise provided.

Article 2. Definitions

"Society"

10990. Any incorporated society, order or supreme lodge, without capital stock, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a repre-

sentative form of government, and which makes provision for the payment of benefits in accordance with this chapter, is hereby declared to be a fraternal benefit society.

When used in this chapter, the word "society," unless otherwise indicated, shall mean fraternal benefit society.

Lodge system

10991. A society having a supreme legislative or governing body and subordinate lodges or branches by whatever name known, into which members are elected, initiated or admitted in accordance with its constitution, laws, and ritual, which subordinate lodges or branches shall be required by the laws of the society to hold regular meetings at least once in each month, shall be deemed to be operating on the lodge system.

Representative form of government

10992. A society shall be deemed to have a representative form of government when:

(a) It provides in its constitution or laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by the society's constitution and laws;

(b) The representatives elected constitute a majority in number and have not less than two-thirds of the votes nor less than the votes required to amend its constitution and laws;

(c) The meetings of the supreme legislative or governing body and the election of officers, representatives and delegates, by whatever name known, are held as often as once in four calendar years;

(d) The members, officers, representatives and delegates, by whatever name known, shall not vote by proxy; and

(e) The officers may be elected by the board of directors if the board of directors is itself elected by the supreme legislative or governing body.

Tax exemption

10993. Every fraternal benefit society organized or admitted under this chapter is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal and school tax, other than taxes on real estate and office equipment.

Article 3. Organization

Formation

11010. Seven or more citizens of the United States, a majority of whom are citizens of this State, who desire to form a fraternal benefit society, may make, sign and acknowledge before some officers, competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

(a) The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company as to be misleading or confusing.

(b) The purposes for which it is being formed, and the mode in which its corporate powers are to be exercised.

Such purposes shall not include more liberal powers than are granted by this chapter, provided that any lawful, social,

intellectual, educational, charitable, benevolent, moral, fraternal or religious advantages may be set forth among the purposes of the society.

(c) The names and residences of the incorporators, and the names, residences and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control of the management of the affairs and funds of the society for the first year, or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Documents, bond, etc Filing with commissioner

11011. Such articles of incorporation, duly certified copies of the constitution, laws and rules, copies of all proposed forms of certificates, applications therefor, and circulars to be issued by the society, and a bond, conditioned upon the return to applicants of the advanced payments if the organization is not completed within one year, such bond to be in the amount of ten thousand dollars ($10,000) with sureties approved by the commissioner shall be filed with the commissioner, who may require such further information as he deems necessary and may require that the amount of such bond be increased whenever it appears that the amount thereof is insufficient to guarantee the return of such advanced payments. All documents filed are to be in the English language. If the purposes of the society conform to the requirements of this chapter and all provisions of the law have been complied with, the commissioner shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate authorizing the society to solicit members as hereinafter provided. Copies of the articles of incorporation shall also be filed with the Secretary of State.

Preliminary certificate

11012. No such preliminary certificate shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the commissioner, upon cause shown, unless the 500 applicants hereinafter required have been secured and the organization has been completed as provided in this article. The articles of incorporation and all other proceedings thereunder shall become null and void in one year from the date of the preliminary certificate, or at the expiration of the extended period, unless the society shall have completed its organization and received a certificate of authority to do business as hereinafter provided.

Solicitation of members

11013. Upon receipt of a preliminary certificate from the commissioner, the society may solicit members for the purpose of completing its organization, shall collect from each applicant the amount of not less than one semiannual payment or six monthly payments, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. No society shall incur any liability other than for the return of such advance payment, nor issue any certificate, nor pay, allow, or offer or

promise to pay or allow any death or disability benefit to any person until:

(a) Actual bona fide applications for death benefits have been secured aggregating at least five hundred thousand dollars ($500,000) on not less than 500 lives.

(b) All such applicants for death benefits shall have been regularly examined by qualified practicing physicians or shall have made acceptable declarations of insurability.

(c) Certificates of examinations or acceptable declarations of insurability meeting the established underwriting standards of the society have been duly filed and approved by the society.

(d) Ten subordinate lodges or branches have been established into which the 500 applicants have been admitted.

(e) There has been submitted to the commissioner, under oath of the president or secretary, or corresponding officer of the society, a list of such applicants, giving their names, addresses, date each was admitted, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted and rates therefor.

(f) It shall have been shown to the commissioner, by sworn statement of the treasurer, or corresponding officer of such society, that at least 500 applicants have each paid in cash at least one semiannual payment or six monthly payments as herein provided, which payments in the aggregate shall amount to at least five thousand dollars ($5,000), all of which shall be credited to the fund or funds from which benefits are to be paid, and no part of which may be used for expenses. Said advance payments shall be held in trust during the period of organization and if the organization has not qualified for a certificate of authority within one year or within the extended period, as provided in Section 11012, such payments shall be returned to said applicants.

Issuance of certificate

11014. The commissioner may make such examination and require such further information as he deems advisable. Upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to the society a certificate to that effect and that the society is authorized to transact business pursuant to the provisions of this chapter. The certificate shall be prima facie evidence of the existence of the society at the date of such certificate. The commissioner shall cause a record of such certificate to be made. A certified copy of such record may be given in evidence with like effect as the original certificate.

Constitution, by-laws, etc

11015. Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of its members from time to time It shall have the power to change, alter, add to or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Powers

11016. Any incorporated society authorized to transact business in this State at the time this chapter becomes effective may thereafter exercise all the rights, powers and privileges prescribed in this chapter and in its charter or articles of incorporation as far as consistent with this chapter. A domestic society shall not be required to reincorporate.

Unincorporated or voluntary associations

11017. After September 21, 1952, no unincorporated or voluntary association shall be permitted to transact business in this State as a fraternal benefit society under this chapter.

Any domestic voluntary association now authorized to transact business in this State may incorporate when:

(a) It shall have completed its conversion to an incorporated society, not later than one year after the effective date of this chapter;

(b) It has filed its articles of incorporation and has satisfied the other requirements prescribed in this article; and

(c) The commissioner shall have made such examination and procured whatever additional information he shall deem advisable.

Every voluntary association so incorporated shall incur the obligations and enjoy the benefits thereof the same as though originally incorporated, and such corporation shall be deemed a continuation of the original voluntary association. The officers thereof shall serve through their respective terms as provided in its original articles of association, but their successors shall be elected and serve as provided in its articles of incorporation. Incorporation of a voluntary association shall not affect existing suits, claims or contracts.

Meetings and principal office

11018. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has at least five subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State. However, its principal office shall be located in this State.

Consolidation, merger

11019. No domestic society shall consolidate or merge with any other society unless it files with the commissioner:

(a) A certified copy of the written contract containing in full the terms and conditions of the consolidation or merger;

(b) A sworn statement by the president and secretary or corresponding officers of each society showing the financial condition thereof on a date not earlier than December 31, next preceding the date of the contract;

(c) A certificate of such officers, duly verified by their respective oaths, that the consolidation or merger has been approved by a two-thirds vote of the supreme legislative or governing body of each society; and

(d) Evidence that at least 60 days prior to the action of the supreme legislative or governing body of each society, the text of the contract has been furnished to all members of the society by being sent by mail or by being published in full in

the official organ of the society and the issue containing same being mailed to each member of the society.

Same Approval

11020. If the commissioner finds that such contract is in conformity with the provisions of this chapter, that the financial statements are correct, that under it the interests of the certificate holders of the parties are properly protected and that the consolidation or merger is just and equitable to the members of each society, he shall approve the contract and issue his certificate to such effect. Upon such approval, the contract shall be in full force and effect unless any society which is a party to the contract is incorporated under the laws of any other state or territory. In such event the consolidation or merger shall not become effective unless and until it has been approved as provided by the laws of such state or territory and a certificate of such approval filed with the commissioner of this State or, if the laws of such state or territory contain no such provision, then the consolidation or merger shall not become effective unless and until the supervising insurance official of such state or territory has advised the commissioner that he has no objection to such consolidation or merger.

Same Effect

11021. Upon the consolidation or merger becoming effective, all the rights, franchises and interests of the consolidated or merged societies in and to every species of property, real, personal or mixed, and things in action thereunto belonging shall be vested in the society resulting from or remaining after the consolidation or merger without any other instrument, except that conveyances of real property may be evidenced by proper deeds, and the title to any real estate or interest therein, vested under the laws of this State in any of the societies consolidated or merged, shall not revert or be in any way impaired by reason of the consolidation or merger, but shall vest absolutely in the society resulting from or remaining after such consolidation or merger.

Affidavit of mailing

11022. The affidavit of any officer of the society or of any one authorized by it to mail any notice or document, stating facts which show that same has been duly addressed and mailed, shall be prima facie evidence that such notice or document has been furnished the addressees.

Admission of members

11023. A society may admit to benefit membership any person not less than 15 years of age at nearest birthday who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society, or who has made declaration of insurability acceptable to the society in accordance with its established underwriting standards Any such member who shall apply for additional benefits more than six months after becoming a benefit member shall pass an additional medical examination or make an additional declaration of insurability as required by the society.

Minors

11024. Any person admitted to benefit membership in such society prior to attaining the full age of 21 years shall be bound by the terms of the application and certificate and by all

the laws and rules of the society, and shall be entitled to all the rights and privileges of membership therein, to the same extent as though the age of majority had been attained at the time of application.

Nonvoting members

11025 A society may accept general or social members who shall have no voice or vote in the management of its insurance affairs.

Amendment of articles, etc

11026. A domestic society may amend its articles of incorporation, constitution or laws in accordance with the provision thereof by action of its supreme legislative or governing body at any regular or special meeting thereof, or, if its articles of incorporation, constitution or laws so provide, by referendum. Such referendum may be held in accordance with the provisions of its articles of incorporation, constitution or laws by the vote of the voting members of the society, by the vote of delegates or representatives of voting members or by the vote of local lodges or branches. No amendment submitted for adoption by referendum shall be adopted unless, within six months from the date of submission thereof, a majority of all of the voting members of the society shall have signified their consent to such amendment by one of the methods herein specified.

Same Approval

11027. No amendment to the articles of incorporation, constitution or laws of any domestic society shall take effect unless approved by the commissioner who shall approve such amendment if he finds that it has been duly adopted and is not inconsistent with any requirement of the laws of this State or with the character, objects and purposes of the society. Unless the commissioner shall disapprove any such amendment within 60 days after the filing of same, such amendment shall be considered approved. The approval or disapproval of the commissioner shall be in writing and mailed to the secretary or corresponding officer of the society at its principal office. In case he disapproves such amendment, the reasons therefor shall be stated in such written notice.

Same Publication

11028. Within 90 days from the approval thereof by the commissioner, all such amendments, or a synopsis thereof, shall be furnished to all members of the society either by being published in the official organ of the society or by being sent by mail. The affidavit of any officer of the society or of anyone authorized by it to mail any amendments or synopsis thereof, stating facts which show that same has been duly addressed and mailed, shall be prima facie evidence that such amendments or synopsis thereof have been furnished the addressee.

Same Filing

11029. Every foreign society transacting business under this chapter shall file with the commissioner a duly certified copy of all amendments of, or additions to, its constitution and laws within 90 days after the enactment of the same

Evidence of adoption

11030. Printed copies of the constitution or laws of any domestic or foreign society as amended, certified by the secretary or corresponding officer of the society shall be prima facie evidence of the legal adoption thereof.

Operation of hospitals, etc

11031. A society may create, maintain and operate hospitals, asylums, homes, sanitariums or other charitable or benevolent institutions for the benefit of its sick, disabled, aged or distressed members and their families and dependents in accordance with the provisions of its laws; and for such purpose it may own, hold or lease personal property or real property located within or without this State, with necessary buildings thereon. Such property shall not be deemed an admitted asset of the society.

Charges

11032. Maintenance, treatment and proper attendance in any such institution may be furnished free or a reasonable charge may be made therefor, but no such institution shall be operated for profit. Excepting a society relieved of the requirement of maintaining a separation of funds pursuant to the provisions of Section 11120, no part of the cost or expense of creating, maintaining or operating such institution shall be defrayed or paid out of the mortuary, sick or disability funds of a society. The society shall maintain a separate accounting of any disbursements under this section and report them in its annual statement. No society shall own or operate funeral homes or undertaking establishments.

Payments from special funds

11033. A society maintaining special funds of the nature set forth in Section 11122 may make payments from such funds to its members compatible with the type thereof; provided that, if such payments are of such a nature that they could constitute benefits within the classes of insurance set forth in Section 11041, the society making such payments may not:

(a) Make any separate charge therefor;

(b) Issue any certificate, policy or other document promising such payments;

(c) Provide in its constitution, by-laws or any other document that such payments may be received by any member of such society as a matter of right; nor

(d) Advertise such payments as insurance or as payments to which the member has any right.

No such special funds shall be an admitted asset of the society in excess of the amount of the liabilities of such special fund. The society shall maintain a separate accounting of any disbursements under this section and report them in its annual statement.

Article 4. Benefits

Source of benefits

11040. All benefits provided for in the laws and agreements of a society shall be payable only out of its funds in accordance with its laws. The officers and members of the supreme, grand or any subordinate body of a society shall not be individually liable therefor.

Permissible payments

11041. An admitted society may, by the issuance of certificates, provide for its payment to its members of insurance benefits contained within the following classes:

(a) All forms of life insurance as defined in Section 101 except group insurance and funeral insurance as defined in Section 10240.

(b) All forms of disability insurance as defined in Section 106, except benefits for loss of time as a result of disease occurring after the sixty-fifth birthday of the member and all forms of group insurance.

Except as otherwise provided in this chapter, such benefits may be paid in any manner compatible with their nature.

Any benefits authorized in this section, or combinations thereof, may be provided in the same or separate certificates.

Children's branches

11042. A society may provide for benefits on the lives of children under 21 years of age and under the minimum age for adult membership under the laws of the society at time of application therefor, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of Section 11041. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society. Children insured under certificates issued pursuant to this section shall be transferred to and become members of the adult branch of the society upon attaining the minimum age for adult membership under the laws of the society.

If a society maintains a separate juvenile fund, it shall have the right to provide in its laws or rules for the payment to the society's expense or general fund, provided, that no such society shall transfer to such funds amounts collected for juvenile mortuary benefits and the net accretions thereto. A society shall have full power to provide for the fixing and readjusting, from time to time, of the premiums and the designation and changing of designation of beneficiaries and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and in connection therewith.

Nonforfeiture benefits

11043. A society may grant nonforfeiture benefits, cash surrender values, certificate loans and such other options as its laws may permit.

In the case of certificates issued after September 21, 1952, other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, the value of any nonforfeiture benefit granted and the amount of any cash surrender value granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) The reserve under the certificate determined on the basis specified in the certificate; and

(b) The sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge of not more than two and one-half per centum of the face amount of the certificate, which, in the case of insurance

on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

However, in the case of certificates issued on a substandard basis or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit including accompanying pure endowment, if any, may be computed upon the rates of mortality not greater than 130 per centum of those shown by the mortality table specified in the certificate for the computation of the reserve.

In the case of certificates issued after September 21, 1952, for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, the value of any nonforfeiture benefit granted and the amount of any cash surrender value granted shall not be less than the corresponding amount ascertained in accordance with the provisions of Sections 10161, 10162, 10163, and 10164 applicable to life insurance companies

Rights of beneficiaries

11044. No beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract. The member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the society. Every society, by its constitution, laws or rules, may limit the scope of beneficiaries.

Exemption of benefits from attachments, etc

11045. Money or other aid paid or rendered by any such society shall not be liable, either before or after payment, to attachment, or to be applied by any legal or equitable process or operation of law to pay any liability of a member or any person having a right thereto.

Article 5. Contract

Required certificates

11060. Every society authorized to do business in this State shall issue to each benefit member a certificate specifying the amount of benefits provided thereby. The certificate, together with any riders or endorsements attached thereto, the charter or articles of incorporation, the constitution and laws of the society, the application for membership, and declaration of insurability, if any, signed by the applicant, and all amendments to each thereof, shall constitute the entire agreement between the society and the member, and the certificate shall so state. A copy of the application for membership and of the declaration of insurability, if any, shall be endorsed upon or attached to the certificate

Statements by members

11061. All statements purporting to be made by the member shall, in the absence of fraud, be representations and not warranties. Any waiver of this provision shall be void.

Subsequent changes

11062. Any changes, additions or amendments to the charter or articles of incorporation, constitution or laws duly made or enacted subsequent to the issuance of the certificate,

shall bind the member and the beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, but no such changes, additions or amendments shall have the effect of terminating or reducing the benefit or benefits payable under any certificate in force at the time such changes, additions or amendments become effective.

Documents as evidence

11063. Copies of any of the documents mentioned in Sections 11060 and 11062, certified by the secretary or corresponding officer of the society, shall be received in evidence of the terms and conditions thereof.

Assessment of members

11064. A society may provide specifically in its certificates that if its reserves become impaired its board of directors or corresponding body may require that there be paid by the member to the society the amount of the member's equitable proportion of such deficiency as ascertained by its board, and that if the payment be not made it shall stand as an indebtedness against the certificate and draw interest not to exceed 5 per centum per annum compounded annually.

Same

11065. Every society authorized to do business in this State shall provide in its constitution or laws that additional payments or contributions shall be required of members by the action of the board of directors or corresponding body of the society whenever they deem it necessary or proper to effectuate the carrying on of the insurance business of the society.

Certificate· Approval, standard provisions

11066. After September 21, 1952, no life insurance benefit certificate shall be delivered or issued for delivery in this State unless a copy of the form, the application therefor and any endorsements or riders attached thereto shall have been filed with and approved by the commissioner and unless the certificate shall have a title clearly and correctly describing its form on the face and filing back and contain in substance the following standard provisions; provided, however, that the commissioner may approve and thereby authorize the delivery or issuance for delivery in this State of any such form which in his opinion contains provisions relating to any one or more of the several requirements hereinafter set forth which are more favorable to insured members than the one or ones herein required.

Standard provisions

(a) A provision stating the amount of premiums which are payable by the insured under the certificate, and a provision that the member shall be obligated to pay, as a condition of the continuance in force of the certificate, additional premiums imposed in accordance with the constitution or laws of the society then in force or thereafter lawfully enacted.

(b) A provision that the member is entitled to a grace of not less than a full month (or 30 days at the option of the society) in which the payment of any premium, after the first, may be made, and that during such grace period the certificate shall continue in full force. However such certificate may provide that in case a loss occurs during the grace period before the

Standard provisions

overdue premium is paid, the amount of such overdue premium or premiums may be deducted in any settlement under the certificate.

(c) A provision that the member shall be entitled to have the certificate reinstated at any time within three years from the date of default in payment of premiums, unless the certificate has been completely terminated through the application of a nonforfeiture benefit, upon the production of evidence of insurability and good health satisfactory to the society and the payment of all overdue premiums and any other indebtedness to the society upon the certificate, together with interest on such premiums and such indebtedness, if any, at a rate not exceeding 6 per centum per annum compounded annually; but a society may provide for a minimum interest payment of not exceeding ten cents ($0.10) for each month's premium in arrears at the date of reinstatement, if such premiums do not exceed 12 in number.

(d) Except in the case of pure endowment, annuity or reversionary annuity contracts or contracts of term insurance of 20 years or less, a provision that, in the event of default in payment of any premium after three full years' premiums have been paid, or after premiums for a lesser period have been paid if the contract so provides, the society will grant, upon proper request not later than 60 days after the due date of the premium in default, a nonforfeiture benefit on the plan stipulated in the certificate, effective as of such due date, of such value as specified in this chapter.

(e) A provision that one nonforfeiture benefit as specified in the certificate in accordance with the requirements of paragraph (d) above shall become effective automatically unless the member elects another available nonforfeiture benefit or, if society makes available a cash surrender value, such cash surrender value, not later than 60 days after the due date of the premium in default.

(f) A statement of the mortality table and rate of interest used in determining all nonforfeiture benefits and cash surrender values available under the certificate, and after September 21, 1954, a brief general statement of the method used in calculating such benefits and values available under the certificate on any certificate anniversary beyond the last anniversary for which such benefits and values are consecutively shown in the certificate with an explanation of the manner in which such benefits and values are altered by the existence of paid-up additions credited to the certificate or by any indebtedness to the society on the certificate.

(g) A table showing in figures every nonforfeiture benefit and cash surrender value available under the certificate for each certificate anniversary either during the first 20 certificate years or during the term of the certificate, whichever is shorter, such benefits and values to be calculated upon the assumption that there are no dividends or paid-up additions

credited to the certificate and that there is no indebtedness to the society on account of or secured by the certificate. Standard provisions

(h) A provision that the certificate shall be incontestable after it has been in force during the lifetime of the member for a period of two years from its date of issue except for nonpayment of premiums, risks limited or not assumed, violation of the provisions of the certificate relating to military, aviation, or naval service, and violation of the provisions relating to suspension or expulsion as substantially set forth in the certificate. At the option of the society, supplemental provisions relating to benefits in the event of temporary or permanent disability or hospitalization and provisions which grant additional insurance specifically against death by accident or accidental means, may also be excepted. The certificate shall be incontestable on the ground of suicide after it has been in force during the lifetime of the member for a period of two years from date of issue. The certificate may provide, as to statements made to procure reinstatement, that the society shall have the right to contest a reinstated certificate within a period of two years from date of reinstatement with the same exceptions as herein provided.

(i) A provision that if it shall be found at any time before final settlement under the certificate that the age of the insured (or the age of the beneficiary, if considered in determining the premium) has been understated, and the discrepancy and the premium payment involved have not been adjusted, the amount payable under the certificate shall be such as the premium would have purchased at the correct age, except that if the correct age was not an insurable age under the society's charter, constitution or by-laws, only the net mortuary payments made thereunder shall be returned; and that if the age, as aforesaid, has been overstated, no additional amount of insurance or other values shall be granted for any excess premiums paid but such excess premiums paid shall be returned without interest.

(j) A provision or provisions which recite fully, or which set forth the substance of, all sections of the charter, constitution, laws, rules or regulations of the society, in force at the time of issuance of the certificate, the violation of which will result in the termination of, or in the reduction of, the benefit or benefits payable under the certificate.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the certificate. The word "premiums" as used in this section means premiums, rates, or other required contributions by whatever name known.

11067. After September 21, 1952, no life insurance benefit certificate shall be delivered or issued for delivery in this State containing in substance any of the following provisions: Prohibited provisions

(a) Any provision limiting the time within which any action at law or in equity may be commenced to less than 18 months after the cause of action shall accrue.

(b) Any provision by which the certificate shall purport to be issued or take effect more than six months before the original application for the certificate was made,

except in case of transfer from one form of certificate to another in connection with which the member is to receive credit for any reserve accumulation under the form of certificate from which the transfer is made.

(c) Any provision for forfeiture of the certificate for failure to repay any loan thereon or to pay interest on such loan while the total indebtedness, including interest, is less than the loan value of the certificate.

(d) Any provision whereby the suspension or expulsion of the member, or change of occupation, or any other violation of the terms and conditions of the contract shall result in the loss or reduction of the cash surrender value or other withdrawal equity, if any, available by the terms of such certificate.

Same

11068. After September 21, 1954, no life insurance benefit certificate shall be delivered or issued for delivery in this State containing in substance any provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue.

Approval of contracts

11069. No domestic, foreign or alien society authorized to do business in this State shall issue or deliver in this State any certificate or other evidence of any contract for temporary or permanent disability benefits as a result of disease or accident, or for hospital, medical or nursing benefits, unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, shall have been filed with the commissioner and approved by him as conforming to reasonable rules and regulations from time to time made by him and as not inconsistent with any other provisions of law applicable thereto. The commissioner shall, within a reasonable time after the filing of any such form, notify the society filing the same either of his approval or of his disapproval of such form. The commissioner may approve any such form which in his opinion contains provisions on any one or more of the several requirements made by him which are more favorable to the insured members than the one or ones so required. The action of the commissioner in disapproving any such form shall be subject to judicial review Pursuant to the foregoing provisions, the commissioner shall have power, from time to time, to make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations shall conform, as far as practicable, to the provisions of this code relating to similar contracts issued by other insurers. Where the commissioner deems inapplicable, either in part or in their entirety, the provisions of this code relating to similar contracts issued by other insurers, he may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member. All rules and regulations made, altered or superseded by the commissioner pursuant to the authority

granted in this section shall be in accordance with Chapter 4 of Part 2, Division 3, Title 2 of the Government Code.

Statute of limitations

11070. After September 21, 1954, no action at law or in equity shall be had or maintained on any certificate or contract issued by a society unless commenced within two years after the cause of action shall accrue.

Waiver of provisions

11071. The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society. Such provision shall be binding on the society and every member and beneficiary of a member.

Reinsurance

11072 A domestic society may, by a reinsurance agreement, cede any individual risk or risks in whole or in part to an insurer having the power to make such reinsurance and authorized to do business in this State, or if not so authorized, one which is approved by the commissioner; but no such society may reinsure substantially all of its insurance in force without the written permission of the commissioner. It may take credit for the reserves on such ceded risks to the extent reinsured, but no credit shall be allowed as an admitted asset or as a deduction from liability, to a ceding society for reinsurance made, ceded, renewed, or otherwise becoming effective after the effective date of this chapter, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding society under the contract or contracts reinsured without diminution because of the insolvency of the ceding society.

Article 6. Powers of Commissioner

Certificate of authority Renewals

11090. Societies which on the effective date of this chapter are authorized to transact business in this State may continue such business until July 1, 1952. The authority of such societies and all societies receiving certificates of authority after the effective date of this chapter may be renewed annually, but in all such cases to terminate on the first day of each succeeding July. However, a certificate of authority so issued shall, if a proper renewal application is filed with the commissioner before the June 15th preceding the period for which the renewal is sought, continue in full force and effect until the new certificate of authority is issued or specifically refused. For filing an application for each certificate of authority or renewal thereof the society shall pay to the commissioner twenty dollars ($20). A duly certified copy or duplicate of such certificate of authority shall be prima facie evidence that the holder is a fraternal benefit society within the meaning of this chapter.

Foreign societies

11091. No foreign or alien society shall transact business in this State without a certificate of authority issued by the commissioner Any such society may receive a certificate of authority to transact business in this State upon a showing that its assets are invested in accordance with the provisions of this chapter and filing with the commissioner:

(a) A duly certified copy of its charter or articles of incorporation;

(b) A copy of its constitution and laws, certified by its secretary or corresponding officer;

(c) A power of attorney to the commissioner as prescribed in Section 11104;

(d) A statement of its business under oath of its president and secretary or corresponding officers in a form prescribed by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the commissioner;

(e) A valuation report prepared and executed in accordance with Section 11133 of this chapter;

(f) A certificate from the proper official of its home state, territory, province or country that the society is legally incorporated and licensed to transact business therein;

(g) Copies of its certificate forms;

(h) Such other information as the commissioner may deem necessary to a proper exhibit of its plan of operation; and

(i) Payment of the fee specified in Section 11090.

Any foreign or alien society desiring admission to this State shall have the qualifications required of domestic societies organized under this chapter.

If the commissioner refuses to issue such license, he shall reduce his refusal to writing, file the same in his office and furnish a copy thereof, together with a statement of his reason therefor, to the secretary or corresponding officer of the society.

Action against domestic societies

11092. The commissioner shall act as prescribed in Section 11093 when upon investigation he finds that a domestic society:

(a) Has exceeded its power;

(b) Has failed to comply with any provision of this chapter;

(c) Is not fulfilling its contracts in good faith;

(d) Has a membership of less than 400 after an existence of one year; or

(e) Is transacting business fraudulently or in a manner hazardous to its members, creditors, the public or the business.

Action Procedure

11093. If the commissioner finds that any of the conditions set forth in Section 11092 exist in respect to a domestic society, he shall, in an order to show cause, notify the society of his findings and wherein such conditions exist and shall set a date after a reasonable period of time on which it shall show cause why it should not be enjoined from carrying on any business until the overt act or violation complained of shall have been corrected, or why an action in quo warranto should not be commenced against the society.

If on such date the society does not present good and sufficient reason why it should not be so enjoined or why such action should not be commenced, the commissioner may present the facts relating thereto to the Attorney General who shall, if he

deems the circumstances warrant, commence an action to enjoin the society from transacting business or in quo warranto.

The court shall thereupon notify the society of a hearing. If after a full hearing it appears that the society should be so enjoined or liquidated or a receiver appointed, the court shall enter the necessary order.

Suspension of certificate of authority

11094. If the court orders the society enjoined, the commissioner shall suspend its certificate of authority. Thereafter such society shall have no authority to do business in this State until:

(a) The commissioner finds that the overt act or violation complained of has been corrected;

(b) The costs of such action, if any, have been paid by the society;

(c) The court has dissolved its injunction; and

(d) The commissioner has reinstated the certificate of authority.

Liquidation

11095. If the court orders the society liquidated, it shall be enjoined from carrying on any further business, whereupon the receiver of the society shall proceed at once to take possession of the books, papers, money and other assets of the society and, under the direction of the court, proceed forthwith to close the affairs of the society and to distribute its funds to those entitled thereto.

Voluntary discontinuance

11096. The provisions of Sections 11093 to 11095 relating to hearing by the commissioner, action by the Attorney General at the request of the commissioner, hearing by the court, injunction and receivership shall be applicable to a society which shall voluntarily determine to discontinue business.

Actions against foreign societies

11097. The commissioner shall act as prescribed in Section 11098 when upon investigation he finds that a foreign or alien society transacting or applying to transact business in this State:

(a) Has exceeded its powers;

(b) Has failed to comply with any provisions of this chapter;

(c) Is not fulfilling its contracts in good faith; or

(d) Is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public.

Action procedure

11098. If the commissioner finds that any of the conditions set forth in Section 11097 exist in respect to a foreign or alien society, he shall, in an order to show cause, notify the society of his findings wherein such conditions exist and shall set a date after a reasonable period of time on which it shall show cause why its certificate of authority should not be suspended, revoked or refused. If on such date the society does not present good and sufficient reason why its authority to do business in this State should not be suspended, revoked or refused, he may suspend or refuse the certificate of authority of the society to do business in this State until satisfactory evidence is furnished to him that such suspension or refusal should be withdrawn or he may revoke the authority of the society to do business in this

State. Nothing contained in this section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this State during the time it was legally authorized to transact business herein.

Applicable provisions

11099. The provisions of Article 14, Chapter 1, Part 2, Division 1 of this code shall be applicable to any society except as otherwise provided in this chapter.

Agents

11100. Every society operating under the provisions of this chapter and issuing a policy or certificate of insurance may appoint agents to represent it.

Same Regulations

11101. Except as otherwise provided in Sections 11102 and 11103, such agents and such societies shall be subject to the provisions of Article 2, Chapter 5, Part 2, Division 1 of this code and such agents shall be licensed as life agents. Such agents also shall be subject to the provisions of Sections 750, 751, 760.5, 1690 to 1690.4, 1730 to 1736, 1740, 1750, and 1831 to 1831.95 of this code, and the terms "insurance agent" and "life agent" as used in said sections shall be deemed to include such agents of such societies.

"Insurance agent," "life agent"

Exceptions

11102. The provisions of Article 2, Chapter 5, Part 2, Division 1 of this code shall not be applicable to the following nor shall the following be required to be licensed as life agents:

(a) Any officer of a local lodge of a society, while acting as such, if such officer (1) does not effect insurance, (2) solicits or negotiates only as a part of and in connection with the business of a fraternal agent licensed in accordance with the provisions of Section 11101, and (3) is not remunerated on a commission basis.

(b) Any member of a society who does not effect insurance and whose solicitation or negotiation is incidental to the securing of new members for the society and whose only remuneration therefore consists of prizes in the form of merchandise or payments of a nominal amount. This subsection shall not exempt from the provisions of said Article 2 nor from the license requirement of Section 11101 any person remunerated on a regular salary or commission basis or employed either full or part time for the purpose of soliciting or negotiating fraternal benefit insurance.

(c) Any person directly employed by a society at the home or a branch office thereof who does not solicit or negotiate fraternal benefit insurance and who receives no commissions but who may, as a part of his or her regular employment, sign policies, certificates or other evidences of fraternal benefit insurance.

(d) Any person whose employment does not include the solicitation, negotiation or effecting of fraternal benefit insurance contracts and who does not sign policies, certificates or any other evidences of such contracts

Examination of agents

11103. Insofar as his license to represent a fraternal benefit society is concerned the examination requirement of subsection (h) of Section 1706 shall not be applicable to any agent of a society who was in the service of a society on March 1, 1945, and

who is licensed to represent a fraternal benefit society on the effective date of this chapter and continuously thereafter, nor to any agent of a society who does not devote substantially full time to the sale of life or disability insurance, whether such insurance is provided by insurance policies or by fraternal benefit policies or certificates. If any person exempted from such examination requirements by virtue of not devoting substantially full time to the sale of life or disability insurance as hereinabove provided, shall, after securing a license pursuant to the provisions of this section, thereafter devote substantially full time to the sale of such insurance, the society shall give notice thereof to the commissioner. The commissioner thereupon shall send to such licensee a notice specifying when the examination fee shall be paid and when, not sooner than one month nor later than three months, such licensee must qualify by examination Failure to pass the examination or failure to appear pursuant to notification shall result in a termination 45 days thereafter of all license privileges unless within such 45-day period such licensee passes the examination. Such licensee shall not be permitted to retake the examination more than twice within such 45-day period. Thereafter such person may be licensed as a fraternal benefit agent only if he files a new application for such license and either (a) takes and passes the qualifying examination or (b) demonstrates affirmatively to the commissioner that he will no longer devote substantially full time to the sale of life or disability insurance.

Service of process

11104. Every society authorized to do business in this State shall appoint in writing the commissioner and each successor in office to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it shall be served, and shall agree in such writing that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remain outstanding in this State. Copies of such appointment, certified by said commissioner, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Same

11105. Service shall only be made upon the commissioner, or his deputy, excepting, however, in the case of a domestic society service may be made at the home office of the society. It shall be made in duplicate, and shall constitute sufficient service upon the society. No such service shall require a society to file its answer, pleading or defense in less than 30 days from the date of mailing the copy of the service to a society. When legal process against a society is served upon the commissioner, he shall forthwith forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. Legal process shall not be served upon a society except in the manner herein provided. At the time of service any process upon the commissioner, the plaintiff or complainant in the action shall pay to the commissioner a fee of two dollars ($2).

Injunctions

11106. An application for injunction against, proceedings for the dissolution of, or the appointment of a receiver for, any domestic society or branch thereof shall not be entertained by any court unless made by the Attorney General.

Name

11107. A fraternal benefit society, its members, employees, agents, delegates, directors and officers by whatever name known are subject to Sections 12923 and 12924 of this code.

Conversion to mutual life insurance company

11108. Any domestic society may be converted into and receive a certificate of authority as a mutual life insurance company by compliance with all of the requirements of the laws of this State pertaining to mutual life insurance companies, provided that the plan for such conversion has been approved by the commissioner. Such plan shall be prepared in writing, setting forth in full the terms and conditions thereof. The board of directors, or other executive body charged with the responsibility for the management of the society's affairs, shall submit such plan to the supreme legislative and governing body of such association or society at any regular or special meeting thereof, by giving a full, true and correct copy of such plan of proposed conversion with the notice of such meeting. Such notice shall be given as provided in the laws of the society for the convocation of such supreme legislative and governing body in regular or special session, as the case may be. The affirmative votes of two-thirds of all members of such supreme legislative and governing body shall be necessary for the approval of such agreement. Such plan shall also have been approved by the vote of the majority of the members who vote at a meeting called for that purpose. Notice of such meeting of members together with a full, true and correct copy of such plan of proposed conversion shall be given by mailing such notice from the head office of the society at least 30 days prior to such meeting in a sealed envelope, postage prepaid, addressed to each member at his last known post-office address. Such members may vote either in person or by mail on ballots furnished by the society. No such conversion shall take effect unless and until approved by the commissioner. The commissioner may give such approval if he finds that the proposed change is in conformity with the requirements of law and is not prejudicial to the certificate holders of the society. Such action in approving or disapproving shall be subject to judicial review.

11109. On such conversion:

Determining capital requirements

(a) Except as provided in (b) hereof all funds, assets and liabilities of any nature which theretofore were the funds, assets or liabilities of such society shall become the funds, assets and liabilities of such mutual life insurance company. In determining whether such mutual life insurance company meets the minimum capital and surplus requirements of this code, the commissioner shall consider such funds to be those of such mutual life insurance company. Such conversion shall likewise extinguish the assessment liability, if any, of the members, certificate holders or beneficiaries of such society.

(b) If by reason of any contract right in any member, certificate holder or beneficiary which exists on the effective date

of this chapter, the transfer of such funds or assets would violate such right then the assets or funds as to which such contract right pertains shall be segregated and held to discharge the liabilities of such mutual life insurance company to the persons entitled thereto. In this case such separate funds shall not be considered by the commissioner in determining if such mutual life insurance company meets minimum capital and surplus requirements, and the assessment liability, if any, of such member, certificate holder or beneficiary is not extinguished.

Disapproval Grounds

11110. In addition to any other ground for disapproving such conversion, the commissioner may refuse to give such approval unless evidence satisfactory to him is submitted that:

(a) The reserves on all certificates theretofore issued are sufficient to carry them to maturity either by reason of the amount thereof or by reason of action by such society pursuant to either subsection (c) hereof or Section 11111;

(b) The plan of conversion will result in the availability of all funds and assets of the mutual life insurance company to the carrying out of the contracts of insurance whether transacted before or after conversion; and

(c) The society has lawfully amended all outstanding certificates on which the member's contribution was inadequate to carry such certificate to maturity without assessment. Such amendment shall accomplish that purpose by either increasing the amount of contribution or premium, by whatever name known, sufficiently or, at the option of the certificate holder, reducing the amount of his benefits sufficiently.

Special reserve

11111. Any society may comply with subsection (a) of Section 11110 by deducting from its surplus an amount which, when added to the reserves on certificates theretofore issued, shall be sufficient to carry such certificates to maturity and establish and maintain after its conversion into a mutual life insurance company a special reserve in such an amount. The basis of such special reserve shall not be altered without the prior written consent of the commissioner. The commissioner shall give such consent only when he finds that such alteration will not impair nor imperil the purpose for which such special reserve is established. Any impairment of such reserve shall, to the extent thereof, be deemed a deficiency of required reserves and shall render the mutual life insurance company insolvent. No part of such special reserve shall be deemed to be a part of the capital paid in or of the surplus of the mutual life insurance company.

Judicial review

11112. All decisions and findings of the commissioner made under the provisions of this chapter shall be subject to review by proper proceedings in any court of competent jurisdiction in this State.

Article 7. Financial Matters

Contributions

11120. When a society, or a class or section thereof, has assets equal to the reserves and credits on its policies, it may collect periodical or other contributions from the members of

the society, class or section which, with interest accretions, will be sufficient to accomplish all the following:

(a) Pay the claims arising from its policies.

(b) Pay for the expense of management of the society.

(c) Maintain a fund sufficient to meet its accrued liabilities.

(d) Maintain assets equal to the reserves and credits.

Societies not operating pursuant to this section shall comply with Section 11121.

Same

11121. Unless it operates under Section 11120, a society, or class or section thereof, shall collect from its members both stated contributions expressly segregated for the mortuary or disability funds and stated contributions expressly segregated for the expense or management funds. Both of such contributions may be included in the member's periodical payment to the society. The society shall not use the money in the mortuary or disability funds nor the interest accretions thereon for expense purposes.

Special funds

11122. Any society may create, maintain, invest, disburse and apply any special fund or funds necessary to carry out any purpose permitted by the laws of such society. Such funds may include hospital and help, sanitaria, home, thrift, pension for its employees, patriotic, educational and relief funds, in accordance with its laws.

Owning real estate, etc

11123. Any such society may own real estate and buildings within or without the state of its incorporation, for any purposes for which it may use funds. It may receive gifts and bequests for such purposes and may be named in policies as beneficiary in trust for such purposes.

Disposition of fund

11124. Unless otherwise provided in the contracts of the members, such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment thereof.

Permissible investments

11125. Every domestic society shall invest its funds only in securities permitted by the laws of this State for the investment of the assets of life insurers issuing nonassessable policies on a reserve basis. Such securities shall be valued according to the methods used in valuing similar securities held by such insurers.

Same Foreign societies

11126. An admitted foreign society shall invest its funds either under the same restrictions as domestic societies or in accordance with the laws of the state in which it is incorporated. Any admitted foreign society may deposit securities in accordance with the laws of any state.

"Trusteed assets"

11127. An admitted foreign society organized under the laws of any jurisdiction other than a state of the United States shall at all times maintain with a trustee in the United States, in trust for the benefit and security of all its policyholders and creditors in the United States, assets as prescribed in Section 11128. Such assets are designated "trusteed assets."

Same. Value

11128. The value of the trusteed assets referred to in Section 11127 shall be equal to the sum of

(a) All of the indebtedness of such society in the United States having a fixed maturity.

(b) The percentage, specified in subdivision (c) of that part of the tabular reserve, which is applicable to its United States business in force.

(c) If the valuation report prescribed by Section 11133 indicates that the degree of actuarial solvency of such society is 100 percent or greater, the percentage prescribed in subdivision (b) is 100 percent. Otherwise the percentage prescribed in subdivision (b) is that percentage, less than 100 percent, which is indicated in such valuation report to be the degree of such society's actuarial solvency. Such society may maintain such trusteed assets in excess of the value herein prescribed.

Applicable provisions

11129. The provisions of Sections 1596 to 1598, inclusive, shall apply to such society specified in Section 11127 and to the matters set forth in Sections 11127 and 11128.

Statements

11130. The commissioner may require any society specified in Section 11127 to file with him annually and at such other times as he may determine, and in such form as he may prescribe, a statement showing the extent to which such society's policyholders and creditors in the United States are protected by trusteed assets in the United States

Annual report

11131. Every society transacting business in this State shall annually, on or before the first day of March, unless for cause shown such time has been extended by the commissioner, file with the commissioner, in such form as he may require, a statement under oath of its president, secretary or treasurer, or corresponding officers, of its affairs, financial condition and operations during the calendar year ending on the thirty-first day of December last preceding. Each such society shall pay a fee of twenty dollars ($20) to the commissioner for, and at the time of filing such annual statement. Such statement shall contain items showing the reserve liabilities on all outstanding certificates classified according to the various mortality standards and interest assumptions for such certificates. The commissioner is authorized and empowered to address any additional inquiries to any such society in relation to its doings or condition, or any other matter connected with its transaction relative to the business contemplated by this chapter, and such officers of such society, as the commissioner may require, shall promptly reply in writing, and under oath, if so required to all such inquiries.

Same. Synopsis for members

11132. A synopsis of its annual statement and valuation report providing an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each benefit member of the society not later than June 1st of each year, or, in lieu thereof, such synopsis may be published in the society's official paper and the issue containing same mailed to each benefit member of the society.

Valuation of certificates

11133. In addition to the annual report required by Section 11131, each society shall annually, on or before the first day of March, file with the commissioner a valuation of its certificates in force on December 31st last preceding: Provided, the commissioner may, in his discretion for cause shown, extend the time for filing such valuation for not more than two calendar months. Such report of valuation shall show as reserve liabilities, the difference between the present mid-year value of the promised benefits provided in the certificates of such society in force and the present mid-year value of the future net rates as the same are in practice actually collected, not including therein any value for the right to make extra assessments and not including any amount by which the present mid-year value of future net contributions exceeds the present mid-year value of promised benefits on individual certificates. At the option of any society, in lieu of the above, the valuation may show the net tabular value which, in the case of monthly contributions, may be the means of the terminal reserve values for the end of the preceding and of the current certificate years. Such net tabular value as to certificates issued prior to the effective date of this chapter shall be determined in accordance with the provisions of law applicable thereto as of the date of issuance thereof and as to certificates issued on or after said date shall be not less than the reserves determined according to the commissioners' reserve valuation method as hereinafter defined. If the rate or payment (by whatever name known) charged is less than the tabular net rate according to the basis of the valuation used, an additional reserve equal to the present value of the deficiency in such rates shall be set up and maintained as a liability.

Reserves

11134. Reserves according to the commissioners' reserve valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform rates shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net rates therefor. The modified net rates for any such certificate shall be such uniform percentage of the respective contract payment for such benefits that the present value, at the date of issue of the certificate, of all such modified net rates shall be equal to the sum of the then present value of such benefits provided for by the certificate and the excess of (a) over (b), as follows:

(a) A net level annual payment equal to the present value at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such certificate on which a payment falls due; provided, however, that such net level annual payment shall not exceed the net level annual payment on the 19-year payment whole life plan for insurance of the same amount at an age one year higher than the age at issue of such certificate.

(b) A net one-year term payment for such benefits provided for in the first certificate year.

Reserves according to the commissioners' reserve valuation method for (i) life insurance certificates providing for a varying amount of insurance or requiring the payment of varying rates, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all certificates and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance certificates, shall be calculated by a method consistent with the principles of the first paragraph of this section.

Deferred payments

11135. The present value of deferred payments due under incurred claims or matured certificates shall be deemed a liability of the society and shall be computed upon the mortality and interest basis assumed by the society for such valuation.

Same: Valuation

11136. Such valuation shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the insurance supervisory official of the state of domicile of the society, and the legal minimum standard of valuation shall be as follows:

(a) All benefits promised by certificates issued prior to September 22, 1952, and the rates therefor shall be valued in accordance with the provisions of law applicable thereto as of the date of issuance, but not lower than the standards and interest assumptions used in the calculation of rates for such benefits.

(b) In the case of certificates issued after September 21, 1952, the minimum standard for the valuation of all such certificates shall be 3 percent interest and the following tables:

(i) For all ordinary certificates of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof, or, at the option of the society, the commissioners' 1941 Standard Ordinary Mortality Table.

(ii) For all industrial life insurance certificates issued on the standard basis, excluding any disability and accidental death benefits in such certificates—the 1941 Standard Industrial Mortality Table.

(iii) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates—the 1937 Standard Annuity Mortality Table.

(iv) For disability benefits in or supplementary to ordinary certificates—Hunter's Disability Table, except that the table known as Class 3 Disability Table (1926), modified to conform to the contractual waiting period, shall be used in computing reserves for disability benefits under a contract which presumes that total disability shall be considered to be permanent after a specified time.

(v) For accidental death benefits in or supplementary to certificates—the Inter-Company Double Indemnity Mortality

Table combined with a mortality table permitted for calculating the reserves for life insurance certificates.

(vi) For temporary accident and health benefits in or supplementary to certificates—Class 3 Disability Table (1926) with Conference Modifications.

(vii) For life insurance issued upon the substandard basis and other special benefits—such tables as may be approved by the commissioner.

(c) The commissioner may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard prescribed. Whenever the mortality experience under the certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner may require additional reserves when in his judgment deemed necessary on account of such certificates.

(d) Notwithstanding the provisions of subsections (a) and (b) of this section, any society, with the consent of the insurance supervisory official of the state of domicile of the society, and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

Deficiencies

11137. Whenever the commissioner finds from any financial statement or valuation report made to him by any society authorized to do business in this State or from a filed report on examination of any such society that the admitted assets of such society are less than the sum of its required reserves and accrued liabilities, he shall determine the amount of such deficiency and shall issue a written requisition to such society to remove, repair or make good such deficiency within such period as he shall designate, not less than 30 days nor more than six months from the service of such requisition, except that if he believes the interests of the certificate holders of such society will best be served by extending such period of time beyond six months, he may do so for such period or periods of time as he in his discretion deems best. He may also by official order prohibit such society, while such deficiency exists, from issuing any new contracts of insurance in this State, and in case of a domestic society, from issuing any new contracts in this State or elsewhere. If such society shall fail or be unable to make good such deficiency within the time specified in such order, the commissioner shall proceed against such society under the provisions of Article 14, Chapter 1, Part 2, Division 1 of this code on the ground that its further transaction of business will be hazardous to its policyholders, its creditors or the public. In the case of a foreign society the commissioner may also, or in lieu of such proceeding, revoke its certificate of authority to do business in this State or refuse to issue a renewal certificate of authority.

Examination of affairs

11138. The commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society and he shall make such examination at least once in every three years. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme governing or legislative body and of the board of directors or corresponding body of a society shall be in the English language. In making any such examination the commissioner may summon and qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society. The report of the commissioner or in his discretion a summary thereof, and such recommendations or statements of the commissioner as may accompany such report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the commissioner shall also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. The expense of each examination and of each valuation, including compensation and actual expense of examiners, shall be paid by the society examined or whose certificates are valued, upon statements furnished by the commissioner.

Same Report

11139. No report of examination shall be adopted by the commissioner or filed by him as an official document except after a notice is given and a hearing held thereon, if demanded, in accordance with the provisions of Section 11141. The commissioner in his determination made upon the basis of his findings from the record of such hearing may direct the society to comply with such recommendations or take such other corrective steps as may be contained therein. In any action or proceeding in the name of the commissioner or instituted in his behalf against the society, such report, if adopted by the commissioner and filed as an official document shall be admissible in evidence and shall be prima facie evidence of the facts stated therein. Nothing herein contained shall preclude the commissioner from instituting any proceeding under Section 11137 of this chapter at any time or from using as proof in such proceeding any report of examination or part thereof, whether or not such report has been adopted and filed.

Examination of foreign societies

11140. The commissioner, or any person whom he may appoint, may examine any foreign society, transacting or applying for admission to transact business in this State. He may employ assistants and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. He may summon, qualify as witnesses under oath and examine any persons in relation to the affairs, transactions and condition of the society. He may in his discretion accept, in lieu of such examination, the examination of the insurance department of the state, territory, dis-

trict, province or country where such society is organized. The compensation and actual expenses of the examiners making any examination or general or special valuation shall be paid by the society examined or by the society whose certificates obligations have been valued, upon statements furnished by the commissioner.

Public statements

11141. Pending, during or after an examination or investigation of a society, either domestic or foreign, the commissioner shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof shall have been served upon the society at its principal office and the society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding, and to make such showing in connection therewith as it may desire.

False, misleading statements, etc

11142. No person shall cause or permit to be made, issued or circulated in any form:

(a) Any misrepresentation or false or misleading statement concerning the terms, benefits or advantages of any fraternal insurance contract now issued or to be issued in this State; or the financial condition of any society or the legal reserve system upon which it operates; or any other matter concerning any society;

(b) Any false or misleading estimate or statement concerning the dividends or shares of surplus paid or to be paid by any society on any insurance contract; or

(c) Any incomplete comparison of an insurance contract of one society with an insurance contract of another society or insurer for the purpose of inducing the lapse, forfeiture or surrender of any insurance contract.

Contract comparison

11143. A comparison of insurance contracts is incomplete if it does not compare in detail:

(a) The gross rates, and the gross rates less any dividend or other reduction allowed at the date of the comparison;

(b) Any increase in cash values, and all the benefit provided by each contract for the possible duration thereof as determined by the life expectancy of the insured.

Same

11144. A comparison of insurance contracts is incomplete if it omits from consideration:

(a) Any benefit or value provided in the contract,

(b) Any differences as to amount or period of premiums or payments,

(c) Any differences in limitations or conditions or provisions which directly or indirectly affect the benefits.

Same

11145. In any determination of the incompleteness or misleading character of any comparison or statement, it shall be presumed that the insured had no knowledge of any of the contents of the contract involved.

Penalty

11146. Any person who violates any provision of Sections 11142 to 11145 or knowingly receives any compensation or commission by or in consequence of such violation, shall upon con-

viction be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment.

Article 8 Violations and Penalties

Prohibited compensation

11160. Compensation shall not be paid to any employee or officer by whatever name known of either of the parties to any contract of merger, consolidation or reinsurance for directly or indirectly aiding in effecting such contract. Except as fully expressed in such contract or itemized statement of expenses approved by the supervising insurance authorities, compensation for negotiating, aiding or promoting such a consolidation, merger or reinsurance shall not be paid to any person.

Penalties

11161. Any person violating Section 11160 is guilty of a felony and punishable by a fine not exceeding five thousand dollars ($5,000) or imprisonment in the state prison not exceeding five (5) years, or both.

Same

11162. It is a felony for any officer, director, agent or employee of any fraternal benefit society to, directly or indirectly, for himself or as partner or agent of others:

(a) Borrow any of the funds of such society.

(b) Become endorser or surety for loans by the society to others.

(c) In any manner be obligor for moneys borrowed or loaned by such society.

Same

11163. It is a felony for any officer, trustee, agent or employee of a fraternal benefit society to ask, receive, or consent or agree to receive anything of value for procuring or endeavoring to procure a loan to any person from the trust funds of, or funds belonging to, a fraternal benefit society.

Same

11164. Any person not authorized pursuant to Section 11013 who solicits membership for, or in any manner assists in procuring membership in, any nonadmitted fraternal benefit society is guilty of a misdemeanor and punishable by fine not less than fifty dollars ($50) nor more than two hundred dollars ($200).

Same

11165. Any person who knowingly or wilfully makes any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money or benefit from any fraternal benefit society is guilty of a misdemeanor and punishable by fine not less than one hundred dollars ($100) nor exceeding five hundred dollars ($500), or imprisonment in the county jail not less than 30 days nor exceeding one year, or both.

Severability clause

SEC. 3. If any clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or

part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved.

CHAPTER 1194

An act to amend Section 28146 of the Government Code, and Section 446 of the Education Code, relating to compensation for public service in counties of the forty-sixth class.

In effect September 22, 1951

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 28146 of the Government Code is amended to read:

Tuolumne County officers Salaries

28146. In a county of the forty-sixth class the following shall receive as compensation for the services required of them by law, or by virtue of their offices, the following sums:

(a) The auditor, two thousand five hundred twenty dollars ($2,520) a year.

(b) The district attorney, three thousand nine hundred dollars ($3,900) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for all services performed by him, as supervisor, members of the board of equalization and road commissioner; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a county-wide basis, the salary of each supervisor shall be four thousand eight hundred dollars ($4,800) a year.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, for preliminary examinations and for coroner's inquests, and for transcribing notes in justices' courts preliminary examinations, as secretary of the superior court, a monthly salary of two hundred twenty-five dollars ($225) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party

ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid three dollars ($3) a day for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in attending court as such jurors, in going only. In criminal cases the county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid two dollars ($2) a day for each day's actual attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

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

SEC. 2. Section 446 of the Education Code is amended to read:

446. The annual salary of the county superintendent of schools of a county of the forty-sixth class is five thousand four hundred dollars ($5,400), and if acting as superintendent of a coterminous county unified school district the salary shall be five thousand seven hundred dollars ($5,700), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

Tuolumne County, school superintendent Salary

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

Operative date

CHAPTER 1195

An act to amend Section 204h of the Code of Civil Procedure, relating to the performance of commissioner's duties by judges' secretary, assistant secretary and clerks.

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 204h of the Code of Civil Procedure is amended to read:

Performance of jury commissioner's duties

204h. In any county, or city and county, where there is a secretary of the judges of the superior court in said county,

or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges in any county, or city and county, having a population of over 2,000,000 shall be nine hundred seventy-eight dollars ($978) per month.

In counties or cities and counties of over 2,000,000 population, on the authorization of the judges in such a case, the secretary shall have one chief assistant secretary and three assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be: Chief assistant secretary, five hundred fifty dollars ($550) per month, and three assistant secretaries, four hundred ninety-five dollars ($495) each per month. The salaries of such secretary, and such chief assistant secretary and assistant secretaries shall be paid by the county, or city and county. All the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

CHAPTER 1196

An act to amend Sections 8530, 8550, 8602, 8625, 8642, and 8645 of the Elections Code, relating to election contests.

In effect September 22, 1951

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 8530 of the Elections Code is amended to read:

Election contest statement

8530. When an elector contests any election he shall file with the county clerk a written statement, setting forth specifically:

(a) The name of the contestant, and that he is an elector of the district, county, or township, as the case may be, in which the contested election was held.

(b) The name of the defendant.

(c) The office.

(d) The particular grounds of contest and the section of this code under which the statement is filed.

(e) The date of declaration of the result of the election by the body canvassing the returns thereof.

SEC. 2. Section 8550 of said code is amended to read:

Notification of statements filed

8550. Within five days after the end of the time allowed for filing statements of contest the county clerk shall notify the superior court of the county of all statements filed. The presiding judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order.

SEC. 3. Section 8602 of said code is amended to read:

8602. The affidavit shall specify separately each precinct in which any irregularity or improper conduct took place, or in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause of contest, and the date of completion of the official canvass of the board of supervisors of the county last making the declaration. Contents of affidavit

SEC. 4. Section 8625 of said code is amended to read:

8625. The county clerk shall, within five days after the end of the time for filing affidavits, present all the affidavits to the presiding judge of the superior court. The presiding judge shall forthwith designate the time and place of hearing, which shall be not less than 10 nor more than 20 days from the date of the order. Presenting affidavits to court

SEC. 5. Section 8642 of said code is amended to read:

8642. No service other than as herein provided need be made upon the defendant. The affidavit shall be filed in the office of the clerk of the superior court within five days after the completion of the official canvass. Upon the filing of the affidavit the county clerk shall forthwith post in a conspicuous place in his office, a copy of the affidavit. Upon the filing of the affidavit and its posting, the superior court of the county shall have jurisdiction of the subject matter and of the parties to the contest. The contestant on the date of filing the affidavit, shall send by registered mail a copy thereof to the defendant in a sealed envelope, with postage prepaid, addressed to the defendant at the place of residence named in the affidavit of registration of that defendant, and shall make and file an affidavit of mailing with the county clerk to become a part of the records of the contest. Service

SEC. 6. Section 8645 of said code is amended to read:

8645. On the fifth day after the end of the time for filing contestant's affidavit the county clerk shall present the affidavits of the contestant and the defendant and proof of posting of contestant's affidavit to the presiding judge of the superior court, or any one acting in his stead, which judge shall forthwith designate the time and place of hearing, which time shall be not less than 10 nor more than 20 days from the date of the order. Presenting affidavits

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CHAPTER 1197

An act to add Sections 31469.1, 31470.1, and 31557.1 to, and Articles 6.5, 8 3, 10 5, and 12.5 to Chapter 3, Part 3, Division 4, Title 3 of, the Government Code, relating to the retirement of county employees.

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 31469.1 is added to the Government Code, to read:

"County peace officer"

31469.1. "County peace officer" means the sheriff and any officer or employee of the sheriff's office of a county employed and qualifying as a constable or deputy constable or marshal or deputy marshal or deputy sheriff or equal or higher rank, irrespective of the duties to which such person may be assigned, excepting, however, those employees whose principal duties are those of a telephone operator, clerk, stenographer, machinist or mechanic.

(a) Any other provision in the Government Code to the contrary notwithstanding, "county peace officer" shall also include and mean any inspectors, detectives and investigators employed by the district attorney, whose principal duties are to investigate crime and criminal cases and to receive regular compensation for such service.

SEC. 2. Section 31470.1 is added to said code, to read:

"Member"

31470.1. "Member" includes "county peace officer member" except in sections where county peace officer members are specifically excluded. Anything else in this act to the contrary notwithstanding, where there is a conflict with the special provisions pertaining to county peace officer members said special provisions shall apply.

SEC. 3. Section 31557.1 is added to said code, to read:

"County peace officer members"

31557.1. The board of supervisors in any county having a population not in excess of two million (2,000,000) and in which this retirement system is in effect shall have authority by a four-fifths ($\frac{4}{5}$) vote of its members to adopt a resolution whereby county peace officers, as defined in Section 31469.1, shall be designated as "county peace officer members" and such "county peace officer members" shall, as of the July 1st following the adoption of the resolution, be excluded from the provisions contained in Articles 6, 8, 10, and 12, and the benefits and provisions in Articles 6.5, 8.3, 10.5, and 12.5 shall then become effective and applicable to such county peace officer members.

SEC. 4. Article 6.5 is added to Chapter 3, Part 3, Division 4, Title 3 of said code, to read:

Article 6.5. County Peace Officer Members Contributions

Rates of contribution

31630. The normal rates of contribution of county peace officer members shall be based on sex and age at the nearest birthday at the time of his entrance into the retirement system and, if he is entitled to credit for prior service, his age at his nearest birthday when he entered county service.

Age 45 or below

31631. For each county peace officer member who became a member of this system at or below age 45, or, if entitled to credit for prior service, who entered county service at or below age 45, as computed to his nearest birthday, the normal rate of contribution shall be such as, as near as may be, will provide a service retirement annuity at the completion of 20 years service but not before the age of 55 which, with one-half of his prior service pension, if any, will equal one-fourth of his final compensation.

31632. For each county peace officer member who entered county service at an age greater than 45 years, as computed to his nearest birthday, the normal rate of contribution shall be such as, on the average, will provide an annuity at age 65 equal to one-eightieth of his final compensation for each year of service, subsequent to entry in the system. Age greater than 45

31633. The rate of contribution applies only to so much of the earnable compensation of each member as does not exceed seven hundred dollars ($700) a month. Limit

31634. Unless otherwise provided by the regulations of the board the contribution shall be deducted by the county auditor or other officer charged with the duty of drawing salary or wage warrants from the first salary or wage warrant drawn in each month in favor of such member and shall be paid to the county treasurer and placed to the credit of each individual member's account. Deduction of contributions

31635. Payment of salaries and wages less the contribution is full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by members during the period covered by such payment, except the benefits afforded by this chapter. Discharge of claims, etc

31636. Subject to the regulations prescribed by the board, any member may elect to make additional contributions at rates in excess of his normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require the county or district to make any additional contributions. Upon application, the board shall furnish to the member information concerning the nature and amount of additional benefits to be obtained by the additional contributions. Additional contributions

31637. If the service of a member is discontinued other than by death or retirement, upon proper application submitted to the county treasurer, the member shall be paid forthwith all of his accumulated contributions minus a withdrawal charge, if a withdrawal charge has been provided for by the regulations of the board. The board may order payment in whole or in part withheld for a period not to exceed six months after date of separation. Discontinued service

SEC. 5. Article 8.3 is added to Chapter 3, Part 3, Division 4, Title 3 of said code, to read:

Article 8.3. Retirement for Service of County Peace Officer Members

31682. Retirement of a county peace officer member who has met the requirements for age and service shall be made by the board pursuant to this article. Application

31683. At the expiration of two years after the adoption by the board of supervisors of a resolution pursuant to Section 31557.1 every county peace officer member, except the sheriff, who has attained age 65 shall be retired forthwith. Thereafter a member, except the sheriff, shall be retired as of the first Mandatory retirement

day of the calendar month next succeeding that in which he attains age 65. The sheriff shall be retired at the end of the first term to which he is elected which expires on a date following his seventieth birthday, except that if the term expires within two years after the date on which a resolution pursuant to Section 31557.1 is adopted by the board of supervisors he shall be retired at the end of the next term to which he is elected.

Voluntary retirement

31683.1. Any county peace officer member who has reached the age of 65 years or any county peace officer member who has completed 10 years of continuous service and who has reached age 55 may be retired upon filing with the board a written application setting forth the date upon which he desires his retirement to become effective which shall not be more than 60 days after the date of filing the application.

Retirement allowance

31684. Upon retirement for service a county peace officer member is entitled to receive a retirement allowance which shall consist of:

(A) His service retirement annuity.

(B) His current service pension.

(C) His prior service pension.

Service retirement annuity

31685. The service retirement annuity is an annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

Current service pension

31686. The current service pension is a pension, purchased by the contributions of the county, equal to that portion of the annuity purchased by the accumulated normal contributions of the county peace officer member.

Prior service pension

31687. The prior service pension of a county peace officer member is an additional pension for county peace officer members, purchased by the contributions of the county, calculated in accordance with the following formula:

$$\frac{A \times B}{2 \times (C-D)} = \text{annual prior service pension}$$

where:

A. Average annual compensation earnable by the member during the last three years of service.

B. The number of years of prior service credited to the member.

C. The minimum age at which the member is eligible to retire for service.

D. The member's age, at nearest birthday, at entry into county service.

In the event the amount derived in accordance with this formula exceeds one-half the member's final compensation the amount shall be reduced to an amount equal to one-half the member's final compensation.

Increase of allowance

31688. If a member enters the retirement system with credit for prior service, and retires after attaining the compulsory retirement age and his retirement allowance is less than

nine hundred dollars ($900) a year, exclusive of any annuity based on additional contributions, an additional amount purchased by contributions of the county shall be added to his combined annuity and pensions which will cause his total retirement allowance to amount to nine hundred dollars ($900) a year.

Payments after retirement

31689. A person retired for service or disability and who receives a retirement allowance shall not be paid for any service rendered by him to the county after the date of his retirement, except pursuant to Section 31754.

SEC. 6. Article 10.5 is added to Chapter 3, Part 3, Division 4, Title 3 of said code, to read:

Article 10.5. Disability Retirement for County Peace Officer Members

Disability retirement

31740. Any county peace officer member permanently incapacitated for the performance of duty as a result of injury or disease arising out of and in the course of his employment shall be retired for disability and shall receive a disability retirement allowance, purchased by the contributions of the county, which together with an annuity purchased by the accumulated normal contributions of the member shall equal 50 percent of his final compensation plus an annuity purchased with his additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting the amount of any annuity derived from the member's additional contributions, is greater. Any county peace officer member permanently incapacitated from any other cause shall be retired regardless of age, but with retirement allowance only after 10 years of service, said allowance to be determined in accordance with Section 31746.

Same

31741. A county peace officer member may be retired for disability upon the application of the member, the head of the office or department in which he is or was last employed, or any other person on his behalf.

Application

31742. The application shall be made while the member is in service, within four months after his discontinuance of service, or while from the date of discontinuance of service to the time of the application he is continuously physically or mentally incapacitated to perform his duties

Proof

31743. The board may require such proof, including a medical examination at the expense of the member, as it deems necessary or the board upon its own motion may order a medical examination to determine the existence of the disability.

Same

31744. If the proof received, including any medical examination, shows to the satisfaction of the board that the member is permanently incapacitated physically or mentally for the performance of his duties in the service, it shall forthwith retire him for disability.

Permanent incapacity

31745. Permanent incapacity for the performance of duty shall in all cases be determined by the board.

Nonservice connected disability

31746. Upon retirement for disability, not determined to be the result of injury or disease arising out of and in the course of his employment, a county peace officer member who has attained age 55 shall receive his service retirement allowance.

Every county peace officer member under age 55 who is retired for disability, not determined to be the result of injury or disease arising out of and in the course of his employment, shall receive a disability retirement allowance which shall consist of:

(A) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(B) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, wilful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county.

Same Pension

31747. The disability retirement pension granted under Section 31746 shall be such an amount as with that portion of his annuity provided by his accumulated normal contribution, will make his disability retirement allowance, exclusive of the annuity provided by his accumulated contributions, equal:

(A) Ninety percent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him, if such disability retirement allowance exceeds one-fourth of his final compensation.

(B) If the disability retirement allowance computed under (A) does not exceed one-fourth of his final compensation, 90 percent of one-sixtieth 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 his final compensation.

If, in the opinion of the board, the disability is due to intemperate use of alcoholic liquor or drugs, wilful misconduct, or violation of law on the part of the member, and his annuity is less than two hundred forty dollars ($240) a year, the board may pay the member his accumulated contributions in one lump sum in lieu of his annuity.

Medical examination

31749. The board may require any disability beneficiary under age 55 to undergo medical examination. The examination shall be made by a physician or surgeon appointed by the board at the place of residence of the beneficiary or other place mutually agreed upon. Upon the basis of the examination, the board shall determine whether the disability beneficiary is still physically or mentally incapacitated for service in the office or department of the county where he was employed and in the position held by him when retired for disability.

Cancellation of allowance

31750. If the board determines that the beneficiary is not so incapacitated, his retirement allowance shall be canceled forthwith, and he is eligible for reinstatement in the county service pursuant to the regulations of the county for re-employment of personnel.

Refusal to submit to examination

31751 If any disability beneficiary under age 55 refuses to submit to medical examination, his pension shall be discontinued until his withdrawal of such refusal, and if his refusal continues for one year, his retirement allowance shall be canceled.

Medical service

31752. The board shall secure such medical service and advice as is necessary to carry out the purpose of this article. It shall pay for the medical services and advice such compensation as it deems reasonable.

Re-entry into county service

31753. If a disability beneficiary re-enters the county service and is eligible for membership in the retirement system, his rate of contribution for future years is that established for his age at the time of re-entry. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at that time, as based upon the mortality table adopted by the board of supervisors for disabled lives, less any amount that has been refunded to him under Section 31757. The amount shall not exceed the amount of his accumulated contributions at the time of his retirement for disability. He shall also receive credit for prior service as it existed at the time of his disability retirement.

Other compensation

31754. If a disability beneficiary, prior to attaining age 55, engages in a gainful occupation not in the county service or if he re-enters the county service in a capacity ineligible for membership in the retirement system, the board shall reduce the amount of his retirement allowance to an amount which, when added to the compensation earned by him in such occupation, does not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. If the earning capacity of the beneficiary is further altered, the board may alter his retirement allowance to an amount which does not exceed the amount upon which he was originally retired, but which, subject to such limitation, equals, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When such a disability beneficiary reaches age 55, his retirement allowance shall be made equal to the amount upon which he was originally retired and shall not again be modified for any cause.

Statement

31755. As a condition of receiving his retirement allowance, each disability beneficiary under age 55 shall file with the board a written statement in a form prescribed by it, that he has not during the preceding month engaged in any gainful occupation except as stated. The statement may be in the form of an endorsement on the warrant delivered to the beneficiary in payment of the allowance. If the statement discloses that he has received compensation from a gainful occupation in an amount and from a source which requires a reduction of his retirement allowance, the deduction shall be made from the next allowance.

False statements

31756. If any disability beneficiary knowingly and willfully makes any false statement with regard to his earnings, he

forfeits all rights and interest of any character under this chapter, except as provided in Section 31757.

Cancellation of allowance

31757. If the retirement allowance of any disability beneficiary is canceled for any cause, he shall be paid his accumulated contributions, less the annuity payments made to him.

SEC. 7. Article 12.5 is added to Chapter 3, Part 3, Division 4, Title 3 of said code, to read:

Article 12.5. Death Benefits for County Peace Officer Members

Death benefit

31790. Upon the death before retirement of a county peace officer member while in county service or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of county service, or within one month after discontinuance of county service unless his accumulated contributions have been paid to him pursuant to Section 31637, the retirement system is liable for a basic death benefit which shall be paid to his estate or to such person as he nominated by written designation duly executed and filed with the board.

Same

31791. The basic death benefit shall consist of:

(A) The member's accumulated contributions.

(B) An amount, provided from contributions by the county, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed 50 percent of such annual compensation.

Beneficiaries

31792. The nomination of a beneficiary under this system, other than nominations under Optional Settlements 2 and 3, may be revoked at the pleasure of the person who made it and a different beneficiary nominated by written designation duly executed and filed with the board.

Same Funeral expenses

31793. If the nominated beneficiary cannot be found by the board, or if the nominated beneficiary is the estate of the deceased person, the board in its discretion may pay to the undertaker who conducted the funeral all or a portion of the funeral expenses of the deceased person as evidenced by the sworn itemized statement of the undertaker and by such other documents as the board may require. Payment so made is a full discharge of the board and system for the amount so paid. Any amount remaining after such payment shall then be paid to the estate of the deceased person.

Payments to widow, children, etc.

31794. Whenever any county peace officer is killed during the performance of his duty, or dies as a result of any injury or disease arising out of and in the course of his employment, or, after retirement for disability as provided in Section 31740, dies as the result of such disability, an annual pension purchased by the contributions of the county, which, together with an annuity purchased by the accumulated normal contributions of the member, shall equal 50 percent of his final compensation, not to exceed $350 per month, plus an annuity purchased with his additional contributions, if any, shall be paid in equal

monthly installments to his widow during her lifetime or until she remarries. Thereafter, or if there is no widow entitled to receive the pension, it shall be paid to such of his children, through their guardian, as are under 18 years of age, to be equally divided among them. A widow of a county peace officer who was retired for service connected disability is not entitled to a pension unless she was married to the county peace officer at the time he was retired for service connected disability. If the widow, child, or children marry, the pension paid to the person so marrying shall cease. Children shall include adopted children.

CHAPTER 1198

An act to amend Section 10051.1 of the Elections Code, relating to consolidation of elections.

[Approved by Governor June 23, 1951 Filed with Secretary of State June 23, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 10051.1 of the Elections Code is amended to read:

Consolidation of elections

10051.1. Whenever an election called by a district, city or other political subdivision is to be consolidated with a statewide election, such district, city or other political subdivision must at least sixty (60) days prior to the date of the election file with the board of supervisors a resolution of its governing board requesting such consolidation and setting forth the exact form of any question or proposition to be voted upon at such election, as the same is to appear on the ballot. Such question or proposition to appear to the ballot shall not exceed 100 words in length.

Effect Stats 1951, Ch. 447

SEC. 2. This act becomes effective only if Chapter 447 of the statutes passed at the 1951 Regular Session becomes effective, and in such case at the same time said Chapter 447 takes effect.

CHAPTER 1199

An act to amend Section 109 of the Code of Civil Procedure, relating to justice courts.

[Approved by Governor June 23, 1951 Filed with Secretary of State June 23, 1951]

In effect September 22, 1951

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

SECTION 1. Section 109 of the Code of Civil Procedure is amended to read:

Justice court judges salaries· Limitation

109. No judge of a justice court who is paid a salary, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court, which has been submitted for

decision for a period of 30 days, remains pending and undecided, that he has complied with the provisions of Section 744 of the Vehicle Code and that he has reported to the Judicial Council at such times and in such manner as requested by the chairman of the council respecting the condition, and manner of disposal, of judicial business in his court.

Operative date

SEC. 2. The provisions of this act relating to judges of justice courts shall become operative and apply to such judges upon the establishment of justice courts, and until the time of the establishment of said justice courts, such provisions shall be operative and apply to justices of the peace with the same force and effect as if said justices were herein specifically mentioned.

CHAPTER 1200

An act to amend Section 647a of the Penal Code, relating to vagrancy.

In effect September 22, 1951

[Approved by Governor June 23, 1951. Filed with Secretary of State June 23, 1951.]

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

SECTION 1. Section 647a of the Penal Code is amended to read:

Vagrancy: Penalty

647a. (1) Every person who annoys or molests any child under the age of 18 is a vagrant and is punishable upon first conviction by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment and is punishable upon the second and each subsequent conviction or upon the first conviction after a previous conviction under Section 288 of this code by imprisonment in the state prison not exceeding five years.

(2) Every person who loiters about any school or public place at or near which school children attend, or who loiters in or about public toilets in public parks, is a vagrant, and is punishable by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

CHAPTER 1201

An act to add Section 29015 to the Health and Safety Code, relating to dangerous drugs.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 29015 is hereby added to the Health and Safety Code, to read:

29015. In order to provide a supply of hypnotic drugs, as may be needed in any licensed or county hospital which does not employ a pharmacist, the hospital may purchase such drugs on hypnotic drugs purchase order forms in the name of the hospital. The supply is to be made available to a registered nurse, for administration, on the order or direction of a physician, to patients registered in the hospital, or to emergency cases under treatment in the hospital. Hypnotic drugs Purchase, use by hospitals

A record shall be kept of the administration of hypnotic drugs, including the amount given, the type, the date given, and the name and address of the person to whom administered.

CHAPTER 1202

An act to amend Sections 3040, 3082 and 3473 of the Welfare and Institutions Code, relating to aid to the needy blind and aid to partially self-supporting blind residents.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. Section 3040 of the Welfare and Institutions Code is amended to read:

3040. No person who has become blind while a resident of the State is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless, except as provided in Section 3042 of this code, he has been a resident of the county in which his application is filed for a period of six months immediately preceding the filing of his application. Age, residence requirements

SEC. 2. Section 3082 of said code is amended to read:

3082. The board of supervisors shall immediately investigate into the merits of all applications for aid under the provisions of this chapter and Chapter 3 of this part. If the investigation is not completed at the end of 90 days, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which the end of the 90-day period occurred. Applications for aid Investigation

SEC. 3. Section 3473 of said code is amended to read:

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

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may, despite his application, deny him aid under this chapter, and, if eligible thereunder, grant him aid to the needy blind under Chapter 1 of this part. Any applicant denied aid under this chapter may file an appeal with the State Social Welfare Board.

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

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

CHAPTER 1203

An act to repeal Section 2836, to add Section 2835.5, and to amend Section 2837 of the Elections Code, relating to county central committees.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

Repeal

SECTION 1. Section 2836 of the Elections Code is repealed.

SEC. 2. Section 2835.5 is added to said code, to read:

Four assembly districts Election, number

2835.5. In all counties containing four assembly districts, the county central committee shall be elected by supervisor districts, and shall consist of five members from each such district.

SEC. 3. Section 2837 of said code is amended to read:

Less than four districts Election, number

2837. In all counties containing less than four assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the State who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by that party in that supervisor district.

The county central committees in counties containing less than four assembly districts shall be composed of not less than 21 members. If the procedure outlined in the preceding paragraph would result in less than 21 members being elected for any county central committee, the number of votes cast for that party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the county central committee equal to or the nearest amount which is greater than 21 members.

CHAPTER 1204

An act to add Section 172b to the Penal Code, relating to selling or exposing intoxicating liquors for sale in the vicinity of the University of California at Los Angeles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

In effect immediately

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

SECTION 1. Section 172b is added to the Penal Code, to read:

172b. 1. Every person who, within one and one-half miles of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located sells or exposes for sale any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 30 days, or by both such fine and imprisonment, in the discretion of the court.

Sale of liquor near university

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

4. The provisions of this section shall not apply to the sale, giving away, exposing for sale, or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect on the effective date of this section, and the provisions of this section do not prohibit the transfer of any license from one premises to another within the prescribed area if the premises to which the license is transferred are not located more than five hundred feet nearer to the grounds belonging to the University of California at Los Angeles than the premises from which the license is transferred, except that no license shall be transferred to any premises within an area where the sale of intoxicating liquor is prohibited by Section 172.

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

Urgency

It is in the public interest that the sale of alcoholic beverages be restricted in the vicinity of the University of California at Los Angeles. At the present time a number of real estate subdivisions are being developed in this area and more

are contemplated. The development of these subdivisions, and the construction of other building projects, is resulting in a rapidly increasing number of applications for alcoholic beverage licenses in the area. Any further increase in the number of such licensees will be detrimental to the public welfare, and it is therefore necessary that this act take effect immediately.

CHAPTER 1205

Stats. 1925, p. 648, amended

An act to amend Section 9.5 of the Municipal Court Act of 1925 and to provide for the number and compensation of officers and attaches of the municipal court in a judicial district embracing the City of San Diego, relating to municipal courts.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 9.5 of the act cited in the title is amended to read:

San Diego municipal court salaries

Sec. 9.5. The officers and attaches of the municipal court in a city, or city and county of the second and one-fourth class shall receive compensation as follows:

(a) There shall be one clerk, who shall also serve as secretary, to be appointed by the judges of the court, who shall receive five hundred sixty dollars ($560) per month;

(b) The clerk may appoint the following:

One chief deputy clerk, who shall receive four hundred seventy-five dollars ($475) per month;

One deputy clerk (chief clerk of the civil division), who shall receive four hundred dollars ($400) per month;

One deputy clerk (chief clerk of the traffic division), who shall receive four hundred dollars ($400) per month;

Eight deputy clerks, each of whom shall receive three hundred sixty-five dollars ($365) per month;

Three deputy clerks, each of whom shall receive three hundred twenty-five dollars ($325) per month;

Ten deputy clerks, each of whom shall receive three hundred dollars ($300) per month;

Five deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) per month;

Six deputy clerks, each of whom shall receive two hundred fifty dollars ($250) per month;

Nine typists, each of whom shall receive two hundred twenty-five dollars ($225) per month;

(c) There shall be one marshal to be appointed by the judges of the court who shall receive five hundred sixty dollars ($560) per month;

(d) The marshal may appoint the following:

One assistant marshal who shall receive four hundred seventy-five dollars ($475) per month;

One chief deputy marshal, who shall receive four hundred dollars ($400) per month;

Seven deputy marshals, Grade 1, each of whom shall receive three hundred sixty-five dollars ($365) per month;

Seven deputy marshals, Grade 2, each of whom shall receive three hundred fifty dollars ($350) per month;

Two stenographers, each of whom shall receive two hundred seventy-five dollars ($275) per month;

(e) There shall be one court matron, who shall also serve as court probation officer, to be appointed by the judges of the court, who shall receive two hundred seventy-five dollars ($275) per month;

The appointing authority, which appointing authority within the meaning of this section, is hereby defined to be the person having the power in the first instance to select the employee from an eligible list provided for that purpose, shall have the power to lay off and suspend an employee or employees because of lack of work requiring the service of the existing personnel of such office or department.

Any appointive officer or employee of the municipal court in cities or cities and counties of the second and one-fourth class who becomes a candidate for election by the people to any other public office or position shall automatically forfeit such office or employment.

Application

SEC. 2. The provisions of Section 9.5 of the Municipal Court Act of 1925 as amended by this act shall be applicable to the officers and attaches of the municipal court established in a judicial district embracing the City of San Diego.

CHAPTER 1206

An act to amend the heading of Article 5 of Chapter 1, Part 3, Division 11, and Section 21188, of the Water Code, relating to deputies and employees of irrigation districts.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

New heading

SECTION 1. The heading of Article 5 of Chapter 1, Part 3, Division 11 of the Water Code is amended to read:

Article 5. Deputies and Employees

SEC. 2. Section 21188 of the Water Code is amended to read:

Number and compensation

21188. The board shall allow the assessor as many deputies, to be appointed by him, as will in the judgment of the board

enable him to complete the assessment between the first Monday in March and the first Monday in August each year. The compensation shall be fixed by the board for each deputy for the time actually engaged; provided, that no allowance shall be made but for work performed between the first Monday in March and the first Monday in August.

CHAPTER 1207

An act to amend Section 21658 of the Water Code, relating to nominating petitions, their form and time for filing for elections in irrigation districts.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 21658 of the Water Code is amended to read:

Nomination petitions

21658. Not less than 25 days before the election a petition signed by 10 or more electors may be filed at the district office requesting that the names of persons specified in the petition be placed on the ballot as candidates for the offices specified

The nomination papers and affidavits shall be substantially in the following form:

NOMINATION PAPER

We, the undersigned voters of _____ of the _____ Irrigation District, hereby nominate _____ for the office of _____ of said irrigation district.

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT OF CIRCULATOR

State of California }
} ss.
County of _____ }

_____, being duly sworn deposes and says: That he circulated the foregoing petition and saw all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____
(Signature of circulator)

Subscribed and sworn to before me the _____ day of _____, 19___.

_____
Notary Public in and for the
County of _____,
State of California

AFFIDAVIT OF NOMINEE

State of California }
} ss.
County of _____ }

_____, being duly sworn, says that he is the above-named nominee for the office of _____, that he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

and that he desires the following designation to appear on the ballot under his name:

_____
(Print desired designation above)

_____
(Signature of nominee)

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
Notary Public in and for the
County of _____,
State of California

CHAPTER 1208

An act to amend Section 6 of the Metropolitan Water District Act, relating to the government and management of metropolitan water districts.

Stats. 1927, p. 694

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6 of the Metropolitan Water District Act is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of

Board of directors. Function, personnel, etc.

directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no municipality shall have votes exceeding in number the total number of votes of all the other municipalities whose corporate areas are included in such district. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each three hundred million dollars ($300,000,000) of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. Any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

Same
Powers

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the Constitution of the United States or of the State of California, or to the provisions of this act, necessary for the government and management of the affairs of the district,

for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances the roll shall be called and the ayes and noes recorded. Resolutions and orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present, provided there shall be present directors from not less than three-fourths of all cities whose corporate areas are included in said metropolitan water district and representing not less than three-fourths of the total votes of said district; provided, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No ordinance adopted by the board of directors shall take effect until the expiration of thirty (30) days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the issuance or sale of bonds or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties. Same Powers

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands; also to prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials or supplies, required for the carrying out of any of the purposes of this act; provided

Same Powers

that, in cases where work is not to be done by the district itself by force account, and the amount involved shall be ten thousand dollars ($10,000), or more, the board of directors shall provide for the letting of contracts to the lowest responsible bidder, after publication of notices inviting bids, subject to the right of said board to reject any and all proposals. Provided, likewise, that the board of directors in advertising for bids and in letting contracts as above provided, may require all articles to be furnished to the district thereunder to be manufactured, produced or fabricated in the United States or its territories, and may prohibit the use in, or employment in connection with, the carrying out of such contracts by the contractor or any subcontractor, of all machinery or materials except such as shall have been manufactured, produced or fabricated in the United States or its territories, if such are available, the question of such availability to be determined by the board of directors. Provided, further, that contracts, in writing or otherwise, may be let without advertising for or inviting bids, when any repairs, alterations, or other work, or the purchase of materials, supplies, equipment or other property, shall be deemed by the board of directors to be of urgent necessity, and shall be authorized by a two-thirds vote thereof.

(8) To fix the rates at which water shall be sold; provided, however, that rates shall be uniform for like classes of service throughout the district.

CHAPTER 1209

An act to amend Section 7044 of the Business and Professions Code, relating to the licensing of contractors.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 7044 of the Business and Professions Code is amended to read:

Exemption Structures for personal use

7044. This chapter does not apply to owners of property, building or improving structures thereon for the occupancy of such owner and not intended for sale if the structure is occupied and used by the owner or a tenant of the owner upon completion and is not offered for sale prior to completion.

CHAPTER 1210

An act to amend Section 9533 of the Business and Professions Code, relating to the State Board of Dry Cleaners.

In effect September 22, 1951

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 9533 of the Business and Professions Code is amended to read:

9533. The board shall establish rules and regulations governing the conduct of the industry, including plant owners, shop owners and dry cleaning agencies, and prescribe the qualifications for all applicants for registration certificates, to be issued to persons in the industry. In the foregoing classifications, examiners shall be appointed for each branch of the industry, and named. Such examiners shall have been for a period of at least five (5) years immediately preceding their appointment actively engaged in that branch of the industry which they represent. Applicants for registration certificates shall be examined by examiners representing that branch of the industry in which the applicant is engaged. Rules, regulations

CHAPTER 1211

An act relating to the operation of off-street parking facilities.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. It is unlawful for the operator of an off-street parking facility to hire or to retain in his employment an attendant whose duties involve the moving of motor vehicles unless such attendant, at all times during such employment, holds a valid, subsisting operator's license. Qualification of attendants

CHAPTER 1212

An act to regulate the parking of vehicles by the operators of off-street parking facilities.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. It is unlawful for the operator of any off-street parking facility to park the vehicle of a patron of the facility in any public street or alley. Unlawful parking

CHAPTER 1213

An act to amend Section 626 of the Agricultural Code, relating to skim milk.

[Approved by Governor June 26, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. Section 626 of the Agricultural Code is amended to read:

Skim milk Specifications, regulations

626. Skim milk or nonfat milk is the product resulting from the complete or partial removal of milk fat from milk. It shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 8 5 percent of milk solids not fat. Skim milk or nonfat milk shall conform to the bacterial standards of the grade or class of milk from which such skim milk is derived. All fluid skim milk sold for human consumption as such shall be derived from market milk. All containers in which skim milk or nonfat milk is sold shall be labeled with the words "skim milk" or "nonfat milk" and the word "raw" or "pasteurized," as the case may be, the grade or class, together with the name and address of the distributor. All labels required by this section shall be in capital letters not less than one-eighth inch in height and one-sixteenth inch in width. On and after July 1, 1952 containers other than glass containers shall be labeled with the words "skim milk" or "nonfat milk" in capital letters not less than one-quarter inch in height and one-eighth inch in width.

CHAPTER 1214

An act to add Section 424 to the Government Code, relating to the official colors of the State.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

Official colors

SECTION 424. The official colors of the State are blue and gold.

CHAPTER 1215

An act to amend Section 11501 of the Government Code, relating to enumerated agencies referred to in Section 11500.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 11501 of the Government Code is amended to read:

Provisions applicable to agencies enumerated

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California.

Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
Collection Agency Board.
State Fire Marshal.
State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
State Board of Equalization.
Insurance Commissioner.
Building and Loan Commissioner.
State Board of Dry Cleaners.
Board of Social Work Examiners.
Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
California Aeronautics Commission.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
State Water Pollution Control Board.
Regional Water Pollution Control Board.
Department of Natural Resources.

CHAPTER 1216

An act to amend Section 110.6 of the Business and Professions Code, relating to reports to the Governor and the Legislature by the Department of Professional and Vocational Standards.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 110.6 of the Business and Professions Code is amended to read:

Study of administrative law and procedure

110.6. The department is authorized and directed, through its division of administrative procedure, to study the subject of administrative law and procedure in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature at the commencement of each general session. All departments, agencies, officers and employees of the State shall give the department ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

CHAPTER 1217

An act to amend Section 28108 of the Government Code, relating to compensation for public service in counties of the eighth class.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 28108 of the Government Code is amended to read:

Sacramento County officers Salaries

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) Each supervisor, three thousand six hundred dollars ($3,600) a year for personal services performed personally by him as supervisor and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be

paid to each member of the board is in full for all official services performed by him in any public capacity.

(b) The fee for trial jurors for attendance in any court is four dollars ($4) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile for each mile actually and necessarily traveled in attending upon and returning from court, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

(c) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury five dollars ($5). For each mile actually traveled in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, seven cents ($0.07).

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall, nevertheless, be payable to the officers designated in this act as soon as it is legally competent to do so.

Operative date

CHAPTER 1218

An act to add Section 678.5 to the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 678.5 is added to the Vehicle Code, to read:

678.5. Mudguards Required. No person shall operate on any highway any motor vehicle, trailer, or semitrailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle. This section shall not apply to those vehicles exempt from registration under Section 142 nor to any other vehicles having an unladen weight of under 1,500 pounds.

Mudguards required

The provisions of subdivision (b) of Section 697 of this code shall not apply to a vehicle when the excess length is caused by any parts required to comply with this section.

CHAPTER 1219

Stats 1935, p 1226, amended

An act to amend Section 67 of, and to repeal Section 39.1 of, and add a new Section 39.1 to, the Unemployment Insurance Act of the State of California, relating to unemployment insurance.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 67 of the Unemployment Insurance Act is amended to read:

Procedure re claims for benefits

Sec. 67. (a) Claims for benefits shall be made in accordance with authorized regulations. Except as hereinafter otherwise provided, benefits shall be promptly paid if the claimant is found eligible or promptly denied if the claimant is found ineligible.

(b) A notice of the filing of a new or additional claim shall be given to the employing unit by which the claimant was last employed immediately preceding the filing of such claim.

(c) Upon receipt of notice of the filing of a new or additional claim the employing unit so notified shall submit within 10 days after the mailing of such notice any facts then known which may affect the eligibility of the claimant for benefits.

(d) The facts submitted by an employer pursuant to subsection (c) shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant and any employer who has submitted any facts or has given notice pursuant to subsection (c) and authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within seven days from mailing or personal service of notice of the determination, whichever is the later; provided, that said seven days may be extended for good cause.

(e) Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount. The claimant and each of the claimant's base period employers shall be promptly notified of the computation.

(f) Upon the receipt of notice of the computation, the claimant and any base period employer so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination as to the accuracy of the computation made thereon. The claimant and the base period employer submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in subsection (d) hereof.

(g) Upon the receipt of notice of the computation, any base period employer so notified shall submit any facts then known which he was not previously required to submit under subsec-

tion (c) which may affect the eligibility of the claimant for benefits. A determination shall be made thereon and the claimant and the base period employer submitting the facts shall be promptly notified of the determination and the reasons therefor. An appeal therefrom may be taken in the manner prescribed in subsection (d) hereof.

(h) Any computation or determination provided for in this section may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notification of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notification, under subsections (b) and (e) of this section, of the claim, the determination on which is being reconsidered, and the claimant or employer may appeal therefrom in the manner provided herein for appeals from other determinations.

(i) Notices, protests, and information required under this section shall be submitted in accordance with authorized regulations.

Repeal

SEC. 2. Section 39.1 of the Unemployment Insurance Act is hereby repealed effective December 31, 1951 as to new claims for unemployment compensation benefits filed after that date.

SEC. 3. Section 39.1 of the Unemployment Insurance Act is added, to read:

Previous employers Submission of facts

Sec. 39.1. Any employer who is entitled under Section 67 to receive notice of the filing of a new or additional claim or notice of computation may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

No ruling made under this section may constitute a basis for the disqualification of any claimant; provided, however, a determination by the department made under the provisions of subsection (d) of Section 67 of this act may constitute a ruling under this section.

If it is ruled that the claimant left the employer's employ voluntarily and without good cause or was discharged by reason of misconduct connected with his work, benefits paid to the claimant which are based upon wages earned from such employer prior to the date of the termination of employment, shall not be charged to the account of such employer.

This section shall not apply to any employer with respect to any claim of a former employee with respect to whose separation he failed to furnish information within the time limit prescribed above after mailing of either a notice of the filing of a new or additional benefit claim or a notice of computation.

Operative date

The provisions of this section shall be applicable to new claims for unemployment compensation benefits filed on and after January 1, 1952. The provisions of Section 39.1 as it existed prior to repeal shall remain applicable to new claims for unemployment compensation benefits filed prior to the repeal of said section.

CHAPTER 1220

An act to amend Section 20831 of, and to add Sections 20831.1, 20834.1, and 20834.2 to, the Government Code, relating to the State Employees' Retirement System in respect to credit for prior service.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 20831 of the Government Code is amended to read:

Credit for prior service State members

20831. Credit for prior service shall be granted to each member who was employed by the State, but not by the university, at the time of becoming a member and who became a member on January 1, 1932, or within three years after last rendering prior service. Credit for prior service shall be granted to each state member who, on or before the effective date of his retirement under this system, becomes entitled to be credited with 10 years or more of current service.

The status under this system of each state member who qualifies for credit for prior service under this section shall be adjusted to what it would have been if the prior service had been credited to such member at the date he became a member of this system.

SEC. 2. Section 20831.1 is added to the Government Code, to read:

Same Retired state members

20831.1. Every prior service pension and disability retirement pension payable for time commencing on the effective date of this section to any state member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of Section 20831, as they exist on said effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the State for any increase in any pension paid or payable for time prior to its effective date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables.

SEC. 3. Section 20834.1 is added to the Government Code, to read:

Same Local members

20834.1. Credit for prior service shall be granted to each local member who, on or before the effective date of his retire-

ment under this system, becomes entitled to be credited with 10 years or more of current service.

The status under this system of each local member who qualifies for credit for prior service under this section shall be adjusted to what it would have been if the prior service had been credited to such member at the date he became a member of this system.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

SEC. 4. Section 20834.2 is added to the Government Code, to read:

20834.2. Every prior service pension and disability retirement pension payable for time commencing on the effective date of this section to any local member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of Section 20834.1, as they exist on said effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the State for any increase in any pension paid or payable for time prior to its effective date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables. Same: Retired local members

This section shall not apply to any contracting agency with respect to its employees who have retired under this system prior to the effective date of this section unless and until the agency elects to be subject to the provisions of this section, with respect to such employees, by amendment to its contract made in the manner prescribed for approval of contracts; except that an election among the employees is not required.

SEC. 5. This act shall take effect on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature. Operative date

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CHAPTER 1221

An act to amend Section 737bb of the Political Code, and Section 79.28 of the Code of Civil Procedure, relating to the salary of superior court judge in Napa County.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. Section 737bb of the Political Code is amended to read:

Napa County superior judge's salary

737bb. The annual salary of the Judge of the Superior Court in and for the County of Napa is fifteen thousand dollars ($15,000).

SEC. 2. Section 79.28 of the Code of Civil Procedure is amended to read:

Same

79.28. The annual salary of the Judge of the Superior Court in and for the County of Napa is fifteen thousand dollars ($15,000).

Effect Stats 1951, Ch. 655

SEC. 3. Section 2 of this act becomes operative only if Section 737bb of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time such repeal takes effect.

CHAPTER 1222

An act to amend Sections 31552, 31553, 31602 and 31652 of, and to add Section 31618.1 to, the Government Code, relating to retirement of county employees.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 31552 of the Government Code is amended to read:

Time of membership, rate of contribution

31552. All existing officers and employees of the county become members of the association on the day the retirement system becomes operative, and thereafter each person entering the county employ becomes a member on the first day of the calendar month following the expiration of 180 days after his entrance into the service. The rate of contribution to be based upon attained age and the employee to be permitted to make up the original contributions which he would have made during the six months waiting period in 12 equal monthly payments in the subsequent 12 months.

SEC. 2.1. Section 31553 of the Government Code is amended to read:

Same Elective officers

31553. Elective officers become members of the retirement association on the first day of the month after filing a declaration with the board to become a member. The declaration shall be filed within 90 days after:

(a) First taking office.

(b) The effective date of a system established pursuant to this chapter.

(c) First being brought within the field of membership. Every such declaration filed prior to May 21, 1946, is validated, confirmed, and declared to be of full force and effect from and after the date on which it was filed.

SEC. 3. Section 31602 of the Government Code is amended to read:

Real property investments Restrictions

31602. No investment shall be made in real property unless:

(a) The assets of the retirement system exceed one million dollars ($1,000,000);

(b) The investment, together with other investments in real property, does not exceed 25 percent of the assets of the retirement system;

(c) The proposed investment in the project exceeds one hundred thousand dollars ($100,000).

SEC. 4. Section 31652 of the Government Code is amended to read:

31652. Any member within one year after his re-entrance into the service, or within such longer time as is provided for in regulations of the board, may redeposit in the retirement fund an amount equal to that which he withdrew at the last termination of his membership, plus regular interest thereon from the date of re-entrance into service, in which case his rate of contribution is the same as it was prior to the last termination of his membership, and his membership is the same as if unbroken by such termination. If upon re-entering the retirement system after a termination of his membership he does not make such redeposit, he shall re-enter as a new member without credit for any previous service, and the rate of his contribution is the normal rate at his age of re-entrance. Re-entry into service Option to redeposit

SEC. 5 Section 31648.1 of the Government Code is added, to read:

31648.1. Any employee of the superior court who was employed by such court or by the county in which such court is established immediately and without interruption prior to his inclusion as a member of an association established pursuant to this chapter, shall be credited with prior service for his entire period of continuous employment preceding his inclusion as a member of such association; provided, prior to December 31, 1951, he elects to pay and does pay into the association within one year thereafter, an amount equal to the contributions he would have paid, plus regular interest thereon, if he had been a member during all the period of such employment subsequent to the establishment of such association. Superior court employees Credit for prior service

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CHAPTER 1223

An act to amend Sections 18523, 18801, and 19052 of the Government Code and to repeal Sections 18523.5, 18802.5, and 19052.5 to said code, relating to classes and grades in the state civil service.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. Section 18523 of the Government Code is amended to read:

18523. "Class" means a group of positions sufficiently similar with respect to duties and responsibilities that the same title may reasonably and fairly be used to designate each posi- "Class"

tion allocated to the class and that the same minimum qualifications may be required and that the same salary range may be made to apply with equity.

Repeal

SEC. 2. Section 18523.5 of said code is repealed.

SEC. 3. Section 18801 of said code is amended to read:

Classification of positions

18801. Every position in the state civil service shall be allocated to the appropriate class in the classification plan. The allocation of a position to a class shall derive from and be determined by the ascertainment of the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:

(a) Sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used.

(b) Substantially the same requirements as to education, experience, knowledge and ability are demanded of incumbents.

(c) Substantially the same tests of fitness may be used in choosing qualified appointees.

(d) The same schedule of compensation can be made to apply with equity.

Repeal

SEC. 4. Section 18802.5 of said code is repealed.

SEC. 5. Section 19052 of said code is amended to read:

Vacancy Submission of statement

19052. Whenever a vacancy in any position is to be filled and not by transfer, demotion, or reinstatement, the appointing power shall submit to the board, in accordance with board rules, a statement of the duties of the position, the necessary and desired qualifications of the person to be appointed, and a request that the names of persons eligible for appointment to the position be certified.

Repeal

SEC. 6. Section 19052.5 of said code is repealed.

CHAPTER 1224

An act providing for the constitution of the municipal court in a district embracing the Cities of Burlingame and San Mateo, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

Burlingame-San Mateo municipal court Salaries

SECTION 1. The municipal court established in a district embracing the Cities of Burlingame and San Mateo shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge, who shall receive a salary of ten thousand dollars ($10,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive three hundred forty-five dollars ($345) per month and who may appoint the following:

One deputy clerk who shall receive a salary of two hundred seventy-five dollars ($275) per month;

One deputy clerk who shall receive a salary of two hundred forty-five dollars ($245) per month;

One deputy clerk who shall receive a salary of two hundred ten dollars ($210) per month;

(3) The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court.

CHAPTER 1225

An act providing for the constitution of the municipal court in a district embracing the Cities of San Carlos and Redwood City, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the Cities of San Carlos and Redwood City shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

San Carlos-Redwood City municipal court Salaries

(1) There shall be two judges, each of whom shall receive ten thousand dollars ($10,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive three hundred forty-five dollars ($345) per month, and who may appoint the following:

Two deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly;

One deputy clerk who shall receive two hundred forty-five dollars ($245) monthly;

Two deputy clerks, each of whom shall receive two hundred ten dollars ($210) monthly;

(3) The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court.

CHAPTER 1226

An act providing for the constitution of the municipal court in a district embracing the Cities of Daly City and South San Francisco, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the Cities of Daly City and South San Francisco shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

Daly City-South San Francisco municipal court Salaries

(1) There shall be one judge, who shall receive a salary of ten thousand dollars ($10,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive three hundred forty-five dollars ($345) per month and who may appoint the following:

One deputy clerk who shall receive a salary of two hundred seventy-five dollars ($275) per month;

One deputy clerk who shall receive a salary of two hundred forty-five dollars ($245) per month;

One deputy clerk who shall receive a salary of two hundred ten dollars ($210) per month;

(3) The sheriff shall be ex officio marshal and his designated deputies shall be ex officio deputy marshals of the court.

CHAPTER 1227

An act providing for the constitution of the municipal court in a district embracing the City of Fresno, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

Fresno municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of Fresno shall be constituted, and the judges, officers, and attaches thereof shall be as herein provided and shall receive compensation, as follows:

(a) There shall be four judges, each of whom shall receive eight thousand four hundred dollars ($8,400) per annum, payable in equal monthly installments,

(b) There shall be one clerk, to be appointed by the judges of the court, in the manner provided by law, who shall be the secretary of the court, and who shall receive a minimum salary of three hundred thirteen dollars ($313) monthly, with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19), to a maximum of three hundred eighty-five dollars ($385) monthly;

(c) The clerk may appoint the following:

One assistant clerk, who shall receive a minimum salary of two hundred sixty-eight dollars ($268) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred thirty dollars ($330) monthly;

One senior clerk, who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred thirteen dollars ($313) monthly;

Four court clerks, who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred thirteen dollars ($313) monthly;

One senior account clerk, who shall receive a minimum salary of two hundred fifty-five dollars ($255) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred thirteen dollars ($313) monthly;

One small claims clerk, who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15), to a maximum of two hundred ninety-seven dollars ($297) monthly;

One traffic clerk, who shall receive a minimum salary of two hundred thirty dollars ($230) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14), to a maximum of two hundred eighty-two dollars ($282) monthly;

One intermediate stenographer clerk, who shall receive a minimum salary of two hundred nineteen dollars ($219) monthly, with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13), to a maximum of two hundred sixty-eight dollars ($268) monthly;

One intermediate typist clerk, who shall receive a minimum salary of two hundred eight dollars ($208) monthly, with annual increments of eleven dollars ($11), eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred fifty-five dollars ($255) monthly;

One junior typist clerk, who shall receive a minimum salary of one hundred eighty-eight dollars ($188) monthly, with annual increments of ten dollars ($10), ten dollars ($10), eleven dollars ($11), and eleven dollars ($11), to a maximum of two hundred thirty dollars ($230) monthly.

Functions of marshal

SEC. 2. The functions of marshal of the municipal court shall be performed by the sheriff of the county.

Succession of superseded incumbents

SEC. 3. Upon the organization of the court, clerks, deputies, and attaches or employees of the superseded court or courts shall be assigned, as far as practical, to positions in the municipal court similar in duties and compensation to the positions held in any such superseded court, and the salaries of any such clerks, deputies, and attaches first employed upon the organization of the court may be fixed upon the lowest step of the annual increment table applicable to the position as shown hereinabove as will not reduce the salary of such employee, and any employee of said court who hereafter receives a promotion to a position have an overlapping salary range shall be placed upon the lowest step of the new salary range which shall result in an increase in compensation.

Sheriff's fees

SEC. 4. The sheriff shall charge and collect for his services rendered in the capacity of marshal the fees allowed by law to sheriffs and constables, and shall pay the same into the county treasury for the use and benefit of the county.

CHAPTER 1228

An act providing for the constitution of the municipal court in a district embracing the City of San Bernardino, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

San Bernardino municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of San Bernardino shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be three judges each of whom shall receive seven thousand two hundred dollars ($7,200) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive a minimum salary of two hundred eighty-nine dollars ($289) monthly with increments of thirteen dollars ($13) after six months, fourteen dollars ($14) after one and one-half years, fifteen dollars ($15) after two and one-half years, sixteen dollars ($16) after four and one-half years, and sixteen dollars ($16) after six and one-half years, to a maximum of three hundred sixty-three dollars ($363) monthly.

The clerk may appoint the following:

Two clerks at a minimum salary of two hundred twenty dollars ($220) monthly, with increments of ten dollars ($10) after six months, eleven dollars ($11) after one and one-half years, eleven dollars ($11) after two and one-half years, twelve dollars ($12) after four and one-half years, and twelve dollars ($12) after six and one-half years, to a maximum of two hundred seventy-six dollars ($276) monthly;

Three clerks at a minimum salary of one hundred eighty-four dollars ($184) monthly, with increments of eight dollars ($8) after six months, nine dollars ($9) after one and one-half years, nine dollars ($9) after two and one-half years, ten dollars ($10) after four and one-half years, and ten dollars ($10) after six and one-half years, to a maximum of two hundred thirty dollars ($230) monthly;

One clerk at a minimum salary of one hundred sixty-nine dollars ($169) monthly, with increments of seven dollars ($7) after six months, eight dollars ($8) after one and one-half years, eight dollars ($8) after two and one-half years, nine dollars ($9)

after four and one-half years, and nine dollars ($9) after six and one-half years, to a maximum of two hundred ten dollars ($210).

(3) There shall be one marshal who shall receive a salary of three hundred dollars ($300) per month, and who may appoint the following:

Two deputies, each of whom shall receive a minimum salary of two hundred thirty dollars ($230) monthly, with increments of eleven dollars ($11) after six months, eleven dollars ($11) after one and one-half years, twelve dollars ($12) after two and one-half years, twelve dollars ($12) after four and one-half years, and thirteen dollars ($13) after six and one-half years, to a maximum of two hundred eighty-nine dollars ($289);

One deputy (bailiff) who shall receive a minimum salary of two hundred one dollars ($201) monthly, with increments of nine dollars ($9) after six months, ten dollars ($10) after one and one-half years, ten dollars ($10) after two and one-half years, eleven dollars ($11) after four and one-half years, and eleven dollars ($11) after six and one-half years, to a maximum of two hundred fifty-two dollars ($252).

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1229

An act to amend Sections 51440 and 51441, and to repeal Sections 50915, 51442, 51443, 51444, and 51445, of the Water Code, relating to reclamation districts.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 51440 of the Water Code is amended to read:

51440. When the district has obtained an irrigation system pursuant to Section 50910, and the charges for furnishing water have been fixed pursuant to Section 50911, which remain unpaid at the time the board orders an operation and maintenance assessment, the board may order that such charges be included as a part of the operation and maintenance assessment levied upon the parcels to which water has been furnished and when so levied, shall be a lien against the land.

Unpaid water charges Inclusion in operation and maintenance assessment

SEC. 2. Section 51441 of said code is amended to read:

Same Deposit

51441. Water charges, included as a part of an operation and maintenance assessment, when collected shall be deposited in the irrigation fund.

Repeal

SEC. 3. Sections 50915, 51442, 51443, 51444 and 51445 of said code are repealed.

CHAPTER 1230

Stats 1945, p 2827, amended

An act to amend Sections 18 and 20 of the State Water Resources Act of 1945, relating to state assistance on flood control projects.

In effect September 22, 1951

[Approved by Governor June 28, 1951 Filed with Secretary of State June 29, 1951]

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

SECTION 1. Section 18 of the State Water Resources Act of 1945 is amended to read:

Assistance for flood control project Legislative intent

Sec. 18. (a) It is the intention of the Legislature that it will be the policy of the State that the amount of financial assistance to be given by the State to each project adopted and authorized for state assistance by the Legislature pursuant to the provisions of this act, shall be limited to the cost of land, easements, and rights of way, as defined in this section, necessary in connection with the construction of any such project.

(b) In making recommendation to the Legislature respecting the amount of financial assistance to be given by the State, as provided for in Section 17 of this act, the Water Resources Board shall recommend the total estimated amount which should be paid by the State for lands, easements and rights of way necessary in connection with the construction of any such project, and what proportion, if any, of the cost of the project should be paid by the county, city, state agency, or public district.

(c) Notwithstanding all other provisions of this act, appropriations will be made by the State of California, from time to time by law, to pay for the cost of cooperation on all flood control projects as required by the act of Congress approved December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, Second Session), and by the act of Congress approved August 18, 1941 (Public, Numbered 228, Seventy-seventh Congress, First Session), and which projects have by this act been adopted and authorized for state assistance by the Legislature, and for which appropriations or allocation of funds have been made by the State. In the event that the Congress hereafter authorizes and approves projects, wherein financial assistance is required of local agencies of this State by the Federal Government, similar to the provisions of Public Law, Numbered 534, Seventy-eighth Congress, Second Session, and such projects are recommended for state assistance by the Water

Resources Board and approved by the Legislature, including all projects adopted and authorized by the State for which no appropriations or allocations have been made, it is the intention of the Legislature that it will be the policy of the State to pay the costs of local cooperation required by said acts of Congress, provided, that such costs shall be limited to the cost of all lands, easements and rights of way, as defined in this section, necessary for the construction of such projects.

"Lands, easements and rights of way"

(d) "Lands, easements and rights of way," for the purposes of this act, shall include lands and rights or interests in lands whereon channel improvements and channel rectifications are located; lands, rights or interests in lands necessary in connection with the construction, operation or maintenance of such channel improvements and rectifications, including those necessary for flowage purposes, spoil areas, borrow pits or for access roads; and including the cost of the relocation, reconstruction or replacement of existing improvements, structures or utilities rendered necessary by such channel improvements and rectifications.

SEC. 2. Section 20 of said act is amended to read:

Investigation of projects Legislative intent

Sec. 20. It is the intention of the Legislature that the Water Resources Board shall investigate all phases of any proposed water project including flood control, water conservation, domestic and irrigation use and power development, but not excluding other uses, so that a county, city, state agency, or public district affected and the Legislature may have the benefit of investigations and recommendations of the board upon such projects in order to assure the fullest development of the water resources of the State. In a multiple type project authorized and adopted by Congress, which includes, in addition to works for flood control purposes, works and construction for other than flood control purposes, only that portion of the project which is deemed by the Water Resources Board to be necessary for flood control purposes shall be eligible for financial assistance from the State. In a multiple type project which includes works and construction for flood control and for other than flood control purposes, and in projects which do not include any flood control works or construction, the Water Resources Board may recommend to the Legislature and to the United States, or any of its departments or agencies, the method of financing such works and construction.

Prior to recommending to the Legislature the approval for state assistance of any project, designed in whole or in part for flood control, adopted and authorized by Congress, and prior to the submission to the Legislature of an estimate of the total cost to the State therefor, and prior to recommending an appropriation by the State in aid of any such project approved for state assistance by the Legislature, the Water Resources Board shall obtain from the appropriate agency of the Federal Government an estimate of the total cost of such project and the cost and benefit ratio thereof, based upon then current construction costs and values, and shall submit the same to the Legislature.

CHAPTER 1231

Stats 1915, p 866 repealed

An act to repeal an act entitled "An act providing for the incorporation of public utility districts by municipalities and unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 27, 1915.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

Repeal

SECTION 1. The act cited in the title hereof (Chapter 531, Statutes of 1915) is repealed.

CHAPTER 1232

Stats 1913, p 450 repealed

An act to repeal an act entitled "An act to provide for the incorporation and organization of public utility districts, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts," approved June 5, 1913.

In effect September 22, 1951

[Approved by Governor June 28, 1951 Filed with Secretary of State June 29, 1951]

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

Repeal

SECTION 1. The act cited in the title hereof (Chapter 261, Statutes of 1913) is repealed.

CHAPTER 1233

An act to add Section 25464 to the Government Code, relating to payments on county construction contracts.

In effect September 22, 1951

[Approved by Governor June 28, 1951 Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 25464 is added to the Government Code, to read:

25464. The method of payment for construction contracts shall be determined by the board, including progress payments for completed portions of the work and for materials delivered on the ground or stored subject to the control of the board and unused. Determination by board

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CHAPTER 1234

An act to amend Section 31526 of the Government Code, relating to retirement of county employees.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.] In effect September 22, 1951

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

SECTION 1. Section 31526 of the Government Code is amended to read:

31526. The regulations shall include provisions: Required regulations

(a) For the election of officers, their terms, meetings, and all other matters relating to the administrative procedure of the board.

(b) For exemption from membership, in the discretion of the board, of persons whose tenure is temporary, seasonal, or intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour. If a member holds or held a full-time position in the county service, and for reasons of economy or efficiency and not because of any fault of the member, such position heretofore was, or hereafter shall be reduced to a part-time position, the duties of which require the performance of not less than 75 percent of the full standard of hours required in county service, or to a position the compensation of which is fixed at a rate by the day or hour, the time served by such employee in such position shall be deemed to be service under this chapter. A member shall not receive credit for time served in such position prior to the effective date of the 1949 amendment to this section unless:

(1) Such member continues in county service after such effective date, and

(2) Prior to January 1, 1952, such member deposits with the retirement system the full amount of contributions he would have been required to pay had he been a member of the system at the time such services were performed, plus accrued interest to the date of payment.

(c) For the filing of a sworn statement by every person who is or becomes an employee, showing date of birth, nature and duration of employment with the county, compensation received, and such other information as is required by the board.

(d) For forms of annuity certificates and for such other forms as are required.

CHAPTER 1235

An act to amend Section 31157 of the Water Code, relating to county water districts.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 29, 1951.]

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

SECTION 1. Section 31157 of the Water Code is amended to read:

Vote re federal contracts

31157. The proceedings for voting at an election upon a proposal to contract with the United States pursuant to this article shall be had insofar as applicable in the manner provided in Articles 1, 2, and 3 of Chapter 2 of Part 6 of this division.

CHAPTER 1236

An act to amend Sections 32262, 32341, 32342, 32356, and 32365 of the Government Code, relating to county fire service retirement systems.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 32262 of the Government Code is amended to read:

Transaction of business

32262. A majority of the members may transact any business of the board provided that the second or third member is present.

SEC. 2. Section 32341 of said code is amended to read:

Compensation excluded from computation

32341. When the compensation of a member is a factor in any computation to be made under this chapter, there shall be excluded from such computation for any period of service prior to the first day of the month after the effective date of this section, any compensation earned since the establishment of the system upon which compensation the member has not paid contributions into the fund because of the provisions of Section 32322 as it existed prior to October 1, 1949, unless on or before December 31, 1952, such member shall elect by written notice filed with the board to pay into the retirement fund either by lump sum payment or by pay roll deductions over a period not exceeding 36 months, and prior to the effective date of his retirement and thereafter pays into the fund within the period specified such additional amount as he would have contributed as a part of his contributions had Section 32322 always read as it now reads and an amount equal to one-half the additional interest which would have been accrued to his account under such assumptions.

SEC. 3. Section 32342 of said code is amended to read:

32342. A member subject to the provisions of Section 32341, who, either before or after the effective date of the 1951 amendment to this section elects to make the payments provided for therein shall be deemed to have elected to make the payments provided for in Section 32341 as it now reads. Effect of election

SEC. 4. Section 32356 of said code is amended to read:

32356. Upon retirement of a member for nonservice connected disability, he shall receive an annual pension, payable in monthly installments, dependent upon the aggregate length of his service, as follows: Nonservice disability retirement

After 10 years but less than 12 years of service, seventy-five dollars ($75) a month.

After 12 years but less than 14 years of service, eighty dollars ($80) a month.

After 14 years but less than 16 years of service, eighty-five dollars ($85) a month.

After 16 years but less than 18 years of service, ninety dollars ($90) a month.

After 18 years but less than 20 years of service, ninety-five dollars ($95) a month.

After 20 years of service, one hundred dollars ($100) a month.

A pension for nonservice connected disability shall not exceed one-half of the terminal salary of the member.

SEC. 5. Section 32365 of said code is amended to read:

32365. If, after the effective date of this section a member who retired at any time after January 1, 1945, pays into the fund the difference between what he did contribute and what he would have contributed had Section 32322 always read as it now reads, and also pays the interest which would have been accrued upon such difference, then upon such payment, all retirement payments made subsequent to such payment shall be calculated as if such member had retired subsequent to the effective date of this section. Adjustments

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CHAPTER 1237

An act to amend Sections 795.5, 796, 796.1, 796.2, and 796.5 of the Agricultural Code, relating to citrus fruits.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.] In effect September 22, 1951

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

SECTION 1. Section 795 5 of the Agricultural Code is amended to read:

795.5. Lemons shall be (1) mature, (2) free from serious decay, (3) free from serious damage by freezing, internal decline, sunburn or drying due to any cause, (4) free from Lemon standards

Lemon standards.

serious injury due to any cause, (5) free from serious scars, including those caused by insects, (6) free from serious scale, (7) free from serious dirt, sooty mold, rot residues or other foreign material, (8) free from serious staining, including smudge stain, (9) free from serious red blotch, (10) free from serious greenish or brownish rind oil spots, (11) free from serious peteca, (12) free from serious spotting and pitting other than peteca, including black pit, Septoria, anthracnose and cold storage injury, (13) free from serious deformities, (14) free from serious bud mite damage, (15) free from serious aging.

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

(1) Lemons are mature when they have a juice content of 25 percent or more by volume, except that lemons packed for export to markets other than Canada shall not be required to meet this standard.

Determination of maturity shall be made as follows: the volume of a representative sample of at least 25 lemons from the containers or bulk lot shall be measured by water displacement in a graduate. The juice is then extracted from the sample by reaming, screened by pressing through cheesecloth, and its volume measured in a graduate. The percent of juice by volume is found by dividing the juice volume by the fruit volume and multiplying by 100.

(2) Decay is serious if any part of the lemon is affected with decay.

(3) Damage by freezing, or internal decline, or sunburn, or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the lemon shows evidence of drying, or staining (except membranous stain), or a mushy condition. Damage by internal decline is also serious if the core shows gumming for its entire length. Evidence of damage shall be determined by as many cuts of each individual lemon as are necessary.

(4) Injury due to any cause is serious if the skin (rind) is broken and the injury is not healed.

(5) Scars, including those caused by insects, are serious if they are dark, or rough, or deep and if they aggregate 25 percent or more of the fruit surface.

(6) Scale is serious on the individual lemon if each of three circular areas one inch in diameter, selected as the worst infested areas, each has 15 or more scales.

(7) Dirt, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 10 percent or more of the fruit surface is affected by one or more of the defects mentioned in this paragraph.

(8) Staining of the skin (rind), including smudge stain, is serious if one-third or more of the fruit surface is affected with a pronounced discoloration.

(9) Red blotch is serious if the affected area or areas aggregate 10 percent or more of the fruit surface.

(10) Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface. Lemon standards

(11) Peteca is serious if the spots or pits cover an aggregate area of 10 percent or more of the fruit surface.

(12) Spotting and pitting, other than peteca, are serious if the spots or pits are sunken and cover in the aggregate an area more than one-half an inch in diameter.

(13) Deformities, other than from bud mite damage, are serious if one-third or more of the individual fruit surface is malformed, or ridgy, or lumpy.

(14) Bud mite damage is serious if 20 percent or more of the individual fruit surface is malformed, or the stylar end shows a definite division, or is open.

(15) Aging is serious if 25 percent or more of the surface of the lemon is shriveled or hard.

The compliance or noncompliance with the standards for lemons prescribed in this chapter, except as to maturity, may be determined from a representative sample taken as follows:

(a) When in containers the sample shall consist of not less than 5 percent, by count, of the lemons in each of the containers selected as the sample.

(b) When in bulk the sample shall consist of not less than 100 lemons, except that where the total number of lemons in the bulk lot is less than 1,000 lemons a representative sample shall consist of 10 percent of the lemons.

Each individual lemon may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual lemon.

Tolerances to be applied to the foregoing standards are hereby established: Tolerances

A. There shall be no tolerance for failure to meet the maturity requirements as set forth in standard (1) above.

B. With respect to standard (3) above:

(i) Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements because of damage by internal decline or sunburn or drying for any cause other than freezing.

(ii) Not more than 10 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements because of damage by freezing, but not to exceed one-half of this tolerance, or 5 percent, shall be allowed for lemons which show damage by freezing in 40 percent or more of the pulp or edible portion of the lemon.

In no case may the total tolerance for serious defects in standard (3) exceed 10 percent.

C. Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements of any one or a combination of the standards set forth in standards (2) and (4) to (15), inclusive, above.

D. In no case may the total tolerance for serious defects in standards 2 to 15, inclusive, exceed 15 percent.

SEC. 2. Section 796 of said code is amended to read:

Grapefruit standards

796. Grapefruit shall be (1) mature, (2) free from serious decay, (3) free from serious damage by freezing or drying due to any cause, (4) free from serious injury due to any cause, (5) free from serious scars, including those caused by insects, (6) free from serious scale, (7) free from serious dirt, smudge stain, sooty mold, rot residues or other foreign material, (8) free from serious staining, (9) free from serious greenish or brownish rind oil spots, (10) free from serious spotting or pitting, (11) free from serious roughness, (12) free from serious aging, (13) free from serious softness, (14) free from serious sunburn, (15) free from serious sheepnose.

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

(1) Grapefruit are not mature unless (a) at the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of five and one-half parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), except that in view of differences in climatic conditions prevailing south and east of San Gorgonio Pass, which result in the grapefruit grown in that area having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit grown in the area north and west of said San Gorgonio Pass, grapefruit produced in the area south and east of San Gorgonio Pass are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids, as determined by a Brix scale hydrometer, equal to or in excess of six parts to every part of acid contained in the juice (the acidity of the juice to be calculated as citric acid without water of crystallization), and (b) 90 percent or more of the grapefruit, by count, at time of picking and at all times thereafter have attained, on at least two-thirds of the fruit surface, at least a minimum characteristic yellow or grapefruit color, as indicated by Color Plate No. 19 L3 in "Dictionary of Color." Maerz & Paul first edition 1930. Grapefruit produced outside of this State under climatic conditions similar to those prevailing in the area south and east of San Gorgonio Pass and offered for sale in this State shall meet the same maturity standard as that prescribed for grapefruit produced south and east of said San Gorgonio Pass.

(2) Decay is serious if any part of the grapefruit is affected with decay.

(3) Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition; and damage by freezing or drying due to any cause is very serious if 40 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy

condition. Evidence of damage shall be determined by as many cuts of each individual grapefruit as are necessary. Grapefruit standards

(4) Injury due to any cause is serious if the skin (rind) is broken and the injury is not healed.

(5) Scars, including those caused by insects, are serious if they are dark, or rough, or deep and if they aggregate 25 percent or more of the fruit surface.

(6) Scale is serious if 50 percent or more of the fruit surface shows scale infestation in excess of 50 scales per square inch.

(7) Dirt, smudge stain, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 25 percent or more of the fruit surface is affected.

(8) Staining of the skin (rind) is serious if 50 percent or more of the fruit surface is affected with a pronounced discoloration.

(9) Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

(10) Spotting or pitting is serious if the spots or pits are sunken and cover an aggregate area of 10 percent or more of the fruit surface.

(11) Roughness is serious if 90 percent or more of the fruit surface is rough and coarse, or lumpy.

(12) Aging is serious if one-third or more of the surface of the grapefruit is dried and hard.

(13) Softness is serious if the grapefruit is flabby.

(14) Sunburn is serious if it causes decided flattening of the fruit and drying and discoloration of the skin (rind) affecting more than one-third of the fruit surface.

(15) Sheepnose is serious if the stem end of the grapefruit protrudes decidedly.

The compliance or noncompliance with the standards for grapefruit prescribed in this chapter, except as to maturity, may be determined from a representative sample taken as follows:

(a) When in containers the sample shall consist of not less than 10 percent, by count, of the grapefruit in each of the containers selected as the sample.

(b) When in bulk the sample shall consist of not less than 100 grapefruit, except that where the total number of grapefruit in the bulk lot is less than 1,000 grapefruit a representative sample shall consist of 10 percent of the grapefruit

Each individual grapefruit may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual grapefruit.

The official sample for testing for maturity of grapefruit shall consist of not less than 30 grapefruit.

Any such sample so taken shall constitute prima facie evidence of the character of the entire lot from which such sample was taken, as provided in Section 782 of this code.

Tolerances

Tolerances to be applied to certain of the foregoing standards are hereby established. The grapefruit in any one container or bulk lot shall be deemed as a whole to meet the requirements of Standards Numbers 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this section so long as not over 10 percent, by count, of the individual grapefruit in such container or bulk lot are below said standards, and so long as not over 5 percent, by count, thereof are below any one of said standards. The grapefruit in any one container or bulk lot shall be deemed, as a whole, to meet the requirements of Standard Number 3 of this section so long as not more than 15 percent, by count, of the individual grapefruit in such container or bulk lot are seriously damaged by freezing or drying due to any cause, but not to exceed one-third of this tolerance shall be allowed for very serious damage by freezing or drying due to any cause.

SEC. 3. Section 796.1 of said code is amended to read:

Unlawful mixture

796.1. It shall be unlawful to mix or blend any citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Any packed citrus fruit which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after packing, shall not be held for violation of the provisions of this chapter on account of such deterioration.

Packing

Oranges (except tangerines and mandarins), grapefruit, and lemons when packed in containers holding more than 25 pounds shall be regularly packed throughout in standard containers as provided and designated for each such citrus fruit in Section 828 83; provided, however, that packed citrus fruit imported into this State from another state need not be packed in said containers if they are packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

Container markings

All containers of packed citrus fruits when packed in containers holding more than 25 pounds shall bear upon them in plain sight and in plainly legible letters on one outside end: The name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer; in the case of oranges (except tangerines and mandarins), grapefruit, and lemons the number and average diameter of the citrus fruit in the container; in the case of oranges and grapefruit the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings"; provided, however, that in the case of citrus fruit imported from another state the average diameter of the fruit in the container need not be shown.

SEC. 4. Section 796 2 of said code is amended to read:

Export packing

796.2. All oranges (except tangarines and mandarins), grapefruit or lemons intended for shipment out of the State of

California, before being so shipped, shall be regularly packed throughout in lidded standard containers, as specified in this code for such fruit, and shall be uniform in size.

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States Government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds.

SEC. 5. Section 796 5 of said code is amended to read:

796.5. The count of lemons packed in standard container number 56 and the number marked on the containers as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, and the average diameter marked on the containers shall be the corresponding measurement in Column B, below. The average diameter in inches of the lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B.

Containers Number and size of lemons

Column A	Column B
126	2.925
150	2.775
180	2.625
210	2.475
252	2.345
270	2 270
300	2.190
360	2 065
432	1.940
442	1.920
490	1.850
540	1.800
588	1.750
638	1.685
686	1.640

CHAPTER 1238

An act to add Sections 9540.5, 9540.51, 9540.52, 9540.53, 9540.54, and 9540.55 to the Business and Professions Code, relating to the issuance of licenses by the State Board of Dry Cleaners.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9540.5 is added to the Business and Professions Code, to read:

Forms of licenses

9540.5. The board shall issue four (4) forms of licenses, designated as follows:

(1) Shop license.

(2) Clothes cleaning establishment license.

(3) Clothes dyeing establishment license.

(4) School or college license.

SEC. 2. Section 9540.51 is added to said code, to read:

Shop licenses

9540.51. The board shall issue a shop license to the owner of each cleaning or dyeing shop or store, each spotting, sponging, or pressing establishment, dry cleaning agency, each fur renovating shop or store, each hat renovating shop or store, and each leather renovating shop or store, who complies with the law and rules and regulations of the board.

Shop licenses shall be divided into five (5) classes and the class of each license shall be designated on the license as follows:

1. Class No. 1 license means spotting, sponging and pressing shop license.

2. Class No. 2 license means dry cleaning agency license.

3. Class No. 3 license means hat renovator license.

4. Class No. 4 license means fur renovator license.

5. Class No. 5 license means leather garment renovator license.

SEC. 3. Section 9540.52 is added to said code, to read:

Same Services permitted

9540.52. Shop owner-operators shall be entitled to perform any of the services permitted by any of the classes of shop licenses.

All other forms of shop licenses shall restrict the licensee to the performance of the services permitted by the particular class of license.

SEC. 4. Section 9540 53 is added to said code, to read

Clothes cleaning licenses

9540.53. The board shall issue a clothes cleaning establishment license to the owner of each clothes cleaning establishment and cleaning and dyeing establishment who complies with the law and rules and regulations of the board.

SEC. 5. Section 9540.54 is added to said code, to read:

Clothes dyeing licenses

9540.54. The board shall issue a clothes dyeing license to the owner of each clothes dyeing establishment who complies with the law and the rules and regulations of the board.

SEC. 6. Section 9540.55 is added to said code, to read:

School or college licenses

9540.55. The board shall issue a school or college license to the owner of each private school or college of cleaning, dyeing, spotting, sponging or pressing, who complies with the law and the rules and regulations of the board.

CHAPTER 1239

Stats 1925, p 648, amended

An act to amend Section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their

terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6 of the act cited in the title hereof is amended to read:

Sec. 6. The municipal court in a city or city and county of the first class shall be constituted, and the judges thereof shall receive compensation as follows:

San Francisco municipal court Salaries

(a) There shall be 12 judges, each of whom shall receive fifteen thousand dollars ($15,000) per annum, payable in equal monthly installments.

CHAPTER 1240

An act to add Section 6404.1 to the Labor Code, relating to safety devices and safeguards.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6404.1 is added to the Labor Code, to read:

6404.1. (a) Any employer who causes or allows the use of any inflammable or combustible material for the installation acceptance pressure test of any gas house line or piping shall be conclusively presumed to be maintaining an unsafe place of employment.

Gas pipe testing. Inflammables, pressures

(b) Any employer who causes or allows gas pipe lines to be tested with gas at pressures in excess of that permitted by applicable sections of the American Society of Mechanical Engineers Code for Pressure Piping shall be conclusively presumed to be maintaining an unsafe place of employment.

CHAPTER 1241

An act to amend Sections 9541 and 9542 of the Business and Professions Code, relating to licensing by the State Board of Dry Cleaners.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9541 of the Business and Professions Code is amended to read:

Re-examination

9541. Any applicant who fails to pass the investigation and examination shall be eligible to apply for re-examination after notification of his failure to pass the examination upon filing a new application and payment of the prescribed fee. Each license shall contain the following:

1. The name of the licensee.

2. If the licensee is a plant, shop, store or pressing establishment, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a private school or college and which is or will be operated under a fictitious firm name, such fictitious firm name and the name of each individual owner interested therein shall appear on the license.

3. Designation of the street and number of the premises in or upon which the licensee is or will be located.

SEC. 2. Section 9542 of said code is amended to read:

Requirement of license

9542. No person shall establish or operate any clothes cleaning and/or dyeing plant, shop, store or pressing establishment, dry cleaning agency, hat renovating establishment, fur renovating establishment, or private school or college therefor, without having a license so to do issued to him under this chapter.

CHAPTER 1242

An act to amend Section 9580 of the Business and Professions Code, relating to fees collected by the State Board of Dry Cleaners.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 9580 of the Business and Professions Code is amended to read:

Fee schedule

9580. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) An application for examination is ten dollars ($10).

(b) The annual license fee for a dyeing plant or a wholesale or retail cleaning establishment or plant is fifty dollars ($50) but may be reduced during any licensing period to a sum not less than thirty dollars ($30).

(c) The annual license fee for each private pressing school or college is two hundred fifty dollars ($250).

(d) The annual license fee for a "cleaning and dyeing shop or store," a "spotting, sponging, or pressing establishment," dry cleaning agency, hat renovator or fur renovator is eight dollars ($8), but may be reduced by the board during any licensing period to an amount not less than five dollars ($5).

(e) The annual fee required of all operators and owner-operators for a certificate of registration is two dollars ($2).

(f) The fee for a duplicate license or certificate of registration is one dollar ($1).

CHAPTER 1243

An act to amend Section 9594 of the Business and Professions Code, relating to licenses and registration certificates of the State Board of Dry Cleaners.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9594 of the Business and Professions Code is amended to read:

Denial, etc., of licenses

9594. After notice and hearing the board may deny, suspend or revoke any license or registration certificate under this chapter for any of the following reasons:

(1) If the holder thereof or any applicant has failed to comply with any written demand, ruling or regulation of the board made pursuant to and within the authority of this chapter.

(2) If any fact or condition exists, which if the same had existed at the time of the original application, would have warranted a refusal of such license or registration certificate.

(3) The board shall have the power to suspend or revoke any license should the holder thereof fail to comply with the provisions of the Health and Safety Code applicable to the cleaning and dyeing industry, or rules and regulations made pursuant thereto.

CHAPTER 1244

An act to amend Sections 8525, 8568, 8624, 8635, 8641, 8642, 8644, and 8651 of, and to add Sections 8653 and 8654 to, the Business and Professions Code, relating to structural pest control.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 8525 of the Business and Professions Code is amended to read:

Rules and regulations

8525. (a) The board, subject to the approval of the director, may adopt and enforce reasonable rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

Such rules and regulations shall become effective after reasonable notice of not less than 30 days has been given to all persons licensed under this chapter.

SEC. 2. Section 8568 of said code is amended to read:

Grounds for denial of license

8568. After a hearing the board may deny a license unless the applicant makes a showing satisfactory to the board that the

applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors, employees, members and partners have not:

(a) Knowingly committed or aided and abetted the commission of any illegal act which, if committed by a licensee, would be ground for suspension or revocation of a license under this chapter.

(b) While unlicensed, knowingly committed or aided and abetted the commission of any act for which a license is required under this chapter.

(c) While acting as a partner, officer, or managing employee of a firm, partnership, or corporation, had guilty knowledge of and participated in the commission of any act resulting in the suspension or revocation of a license.

(d) Been convicted of a felony or a crime involving moral turpitude.

When a hearing is held under this section it shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all of the powers granted therein.

SEC. 3. Section 8624 of said code is amended to read:

Same Effect on branch office, etc

8624. The suspension or revocation of an operator's license has the same effect on each branch office registration issued under the name of the operator.

The performance by any partnership, corporation, firm or association of any act or omission which is a ground for disciplinary action likewise is a ground for disciplinary action against any licensee who is a member, officer, director, associate or responsible managing employee of such partnership, corporation, firm or association, and who had guilty knowledge of and participated in such prohibited act or omission.

SEC. 4. Section 8635 of said code is amended to read:

Grounds for disciplinary action

8635. Wilful departure from, or disregard of, plans or specifications in the performance of structural pest control work in any material respect, without consent of the owner or his duly authorized representative, is a ground for disciplinary action.

SEC. 5. Section 8641 of said code is amended to read:

Violation of rules, etc

8641. Failure in any material respect to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood destroying pests or organisms, is a ground for disciplinary action.

SEC. 6. Section 8642 of said code is amended to read:

Gross negligence, fraud

8642. The commission of any grossly negligent or fraudulent act by the licensee as a pest control operator or field representative in consequence of which another is substantially injured is a ground for disciplinary action.

SEC 7. Section 8644 of said code is amended to read:

Misrepresentation

8644 Fraud or wilful misrepresentation, after inspection, by any licensee engaged in pest control work of any infestation

or infection of wood destroying pests or organisms found in property or structures is a ground for disciplinary action.

SEC. 8. Section 8651 of said code is amended to read:

Unlicensed acts

8651. The performing or soliciting of structural pest control work or the inspecting for structural or household pests in branches of pest control other than those included in the group license for which the operator or field representative is licensed is a ground for disciplinary action.

SEC. 9. Section 8653 is added to said code, to read:

Failure to pay suppliers

8653. The wilful or deliberate failure of any licensee or agent or officer thereof, to pay any moneys due for any materials or services rendered in connection with his operations as a pest control operator, when he has the ability to pay or when he has received sufficient funds therefor as payment for the particular pest control work, project, or operation for which the services or materials were rendered or purchased, is a ground for disciplinary action, as is the false denial of any such indebtedness or of the validity of the claim thereof with intent to secure for himself, his employer, or other person any discount upon such indebtedness or with intent to hinder, delay, or defraud the person to whom such indebtedness is due.

SEC. 10. Section 8654 is added to said code, to read:

Prohibited acts

8654. Any person who has been denied a license for any of the reasons specified in Section 8568, or who has had his license revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension, or who has been a member, officer, director, associate or responsible managing employee of any partnership, corporation, firm, or association whose application for a license has been denied for any of the reasons specified in Section 8568, or whose license has been revoked as a result of disciplinary action, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as such member, officer, director, associate or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended or revoked, shall be prohibited from serving as an officer, director, associate, partner or responsible managing employee of a licensee, and the employment, election or association of such person by a licensee is a ground for disciplinary action.

CHAPTER 1245

An act to amend Section 9512 of the Business and Professions Code, relating to regulation by the State Board of Dry Cleaners.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9512 of the Business and Professions Code is amended to read:

Verification of ownership

9512. The ownership of a clothes cleaning establishment, a dyeing plant, a cleaning and/or dyeing shop or store, a spotting, sponging, or pressing establishment, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning and/or dyeing, spotting or pressing shall be verified under oath when required by the board.

CHAPTER 1246

An act to add Section 20020.5 to the Government Code, relating to the State Employees' Retirement System in respect to law enforcement personnel of juvenile bureaus of contracting agencies.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 20020.5 is added to the Government Code, to read:

"Local policeman"

20020.5. "Local policeman" also includes any officer or employee of a juvenile bureau of a contracting agency whose principal duties consist of active law enforcement service, except persons whose principal duties are clerical or otherwise clearly do not fall within the scope of active law enforcement, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

The provisions of this section do not apply to the employees of any contracting agency having a contract with the board made prior to the date this section takes effect, unless and until the agency elects to subject itself and its employees to the provisions of this section by amendment to its contract with the board pursuant to Section 20461.5; except that an election is required only among the employees to whom the provisions of Section 20020.5 apply.

CHAPTER 1247

An act to amend Section 51686 of, and to add Section 51685.5 to, the Water Code, relating to reclamation districts.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 51685.5 is added to the Water Code, to read:

Appraisal of small tracts

51685.5. If the total amount of land to be sold at any one sale consists of no more than 50 acres, the board of trustees

shall act as the board of appraisement and in such case the provisions of Sections 51685, 51687, 51688, 51689, and 51690 are not applicable.

SEC. 2. Section 51686 of said code is amended to read:

51686. If the total amount of land to be sold at any one sale consists of more than 50 acres, the board of appraisement shall consist of: Appraisal of large tracts

(a) One member who is an officer or an authorized appraiser of a banking corporation formed under the laws of this State, or the manager of a branch bank of such banking corporation, or an officer or cashier of a national banking association, having a place of business in the county in which the parcel or some portion thereof is situated.

(b) One member who is an inheritance tax appraiser of the county in which the parcel is located.

(c) One member, a disinterested person, who is a licensed real estate broker, selected by the two other members of the board.

CHAPTER 1248

An act to amend Sections 37202 and 37203 of the Government Code, relating to the powers of cities.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.] In effect September 22, 1951

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

SECTION 1. Section 37202 of the Government Code is amended to read:

37202. The legislative body shall approve or reject demands only after such demands have been audited in the manner prescribed by ordinance or resolution. Such audited demands may be submitted separately or a register of audited demands may be submitted to the legislative body for approval or rejection and shall have attached thereto the affidavit of the officer submitting the demands certifying as to the accuracy of the demands and the availability of funds for payment thereof. Demands Approval

SEC. 2. Section 37203 of said code is amended to read:

37203. Upon allowing a demand or approving a register of audited demands, the mayor shall draw a warrant or warrants upon the city treasurer specifying the purpose for which drawn and the fund from which payment is to be made. The city clerk shall countersign the warrant. The legislative body, by ordinance or resolution, may prescribe an alternative method of drawing warrants and checks; provided, however, that such method shall require the manual signature of at least one municipal officer who has executed an official bond to the city covering the faithful performance by such officer of the duties of his office. Same Payment

CHAPTER 1249

An act to amend Section 54900 of the Government Code, relating to the filing of a statement of a change in boundaries or the creation of a city or district.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 54900 of the Government Code is amended to read:

Statement of creation or change

54900. When there is a change in boundaries (1) of a city, (2) of a district within a city the tax levy of which is carried on the regular city assessment roll, or (3) of a district the tax or special assessment levy of which is carried on the regular county assessment roll, or when a city or any such district is created, the tax or assessment levying authority of the city or district shall file or cause to be filed a statement of such creation or change.

CHAPTER 1250

An act to amend Section 10291.5 of the Insurance Code, relating to disability insurance policies.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 10291.5 of the Insurance Code is amended to read:

Declaration

10291.5. (a) The purpose of this section is to prevent, in respect to disability insurance, fraud, unfair trade practices, and insurance economically unsound to the insured.

Improper provisions, etc

(b) The commissioner shall not approve any disability policy for issuance or delivery in this State:

Ambiguity, uncertainty, etc

(1) If he finds that it contains any provision, or has any label, description of its contents, title, heading, backing, or other indication of its provisions which is unintelligible, uncertain, ambiguous, or abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

Excessive payments

(2) If it contains any provision for payment at a rate, or in an amount (other than the product of rate times the periods for which payments are promised) for loss caused by particular event or events (as distinguished from character of physical injury or illness of the insured) more than triple the lowest rate, or amount, promised in the policy for the same loss caused by any other event or events (loss caused by sickness, loss caused by accident, and different degrees of disability each being considered, for the purpose of this paragraph, a different

loss); or if it contains any provision for payment for any confining loss of time at a rate more than six (6) times the least rate payable for any partial loss of time or more than twice the least rate payable for any nonconfining total loss of time; or if it contains any provision for payment for any nonconfining total loss of time at a rate more than three (3) times the least rate payable for any partial loss of time.

Excessive terms of payment

(3) If it contains any provision for payment for disability caused by particular event or events (as distinguished from character of physical injury or illness of the insured) payable for a term more than twice the least term of payment provided by the policy for the same degree of disability caused by any other event or events; or if it contains any benefit for total nonconfining disability payable for lifetime or for more than twelve (12) months and any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months; or if it contains any benefit for total confining disability payable for lifetime or for more than twelve (12) months, unless it also contains benefit for total nonconfining disability caused by the same event or events payable for at least three (3) months, and, if it also contains any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months. The provisions of this paragraph shall apply separately to accident benefits and to sickness benefits.

Reduction termination of liability

(4) If it contains provision or provisions which would have the effect, upon any termination of the policy, of reducing or ending such liability as the insurer would have, but for such termination, for loss of time resulting from accident occurring while the policy is in force or for loss of time commencing while the policy is in force and resulting from sickness contracted while the policy is in force or for other losses resulting from accident occurring or sickness contracted while the policy is in force, and also contains provision or provisions reserving to the insurer the right to cancel or refuse to renew the policy, unless it also contains other provision or provisions the effect of which is that termination of the policy as the result of the exercise by the insurer of any such right shall not reduce or end such liability in respect to the hereinafter specified losses as the insurer would have had under the policy, including its other limitations, conditions, reductions and restrictions, had the policy not been so terminated.

The specified losses referred to in the preceding paragraph are:

(i) Loss of time which commences while the policy is in force and results from sickness contracted while the policy is in force,

(ii) Loss of time which commences within twenty (20) days following and results from accident occurring while the policy is in force,

(iii) Losses which result from accident occurring or sickness contracted while the policy is in force and arise out of the

care or treatment of illness or injury and which occur within ninety (90) days from such termination of the policy or during a period of continuous compensable loss or losses which period commences prior to the end of such ninety (90) days, and

(iv) Losses other than those specified in (i), (ii) or (iii) above which result from accident occurring or sickness contracted while the policy is in force and which losses occur within ninety (90) days following such accident or the contraction of such sickness.

Misleading captions, labels, titles, etc

(5) If by any caption, label, title or description of contents the policy states, implies, or infers without reasonable qualification that it provides loss of time indemnity for lifetime, or for any period of more than two years, if such loss of time indemnity is made payable only when house confined or only under special contingencies not applicable to other total loss of time indemnity.

Same

(6) If it contains any benefit for total confining disability payable only upon condition that the confinement be of an abnormally restricted nature unless the caption of the part containing any such benefit is accurately descriptive of the nature of the confinement required and unless if the policy have a description of contents, label, or title at least one of them contain reference to such nature of the confinement required.

Insufficient economic value

(7) If, irrespective of the premium charged therefor, any benefit of the policy is, or the benefits of the policy as a whole are, not sufficient to be of real economic value to the insured.

In determining whether benefits are of real economic value to the insured, the commissioner shall not differentiate between insureds of the same or similar economic or occupational classes and shall give due consideration to the following:

(i) The right of insurers to exercise sound underwriting judgment in the selection and amounts of risks.

(ii) Amount of benefit, length of time of benefit, nature or extent of benefit, or any combination of such factors.

(iii) The relative value in purchasing power of the benefit or benefits.

(iv) Differences in insurance issued on an industrial or other special basis

To be of real economic value, it shall not be necessary that any benefit or benefits cover the full amount of any loss which might be suffered by reason of the occurrence of any hazard or event insured against.

Substituted benefits

(8) If it substitutes a specified indemnity upon the occurrence of accidental death for any benefit of the policy, other than a specified indemnity for dismemberment, which would accrue prior to the time of such death or if it contains provision which has the effect other than at the election of the insured exercisable within not less than twenty (20) days in the case of benefits specifically limited to the loss by removal of one or more fingers or one or more toes or within not less than ninety (90) days in all other cases:

(i) Of substituting, upon the occurrence of the loss of both hands, both feet, one hand and one foot, the sight of both eyes or the sight of one eye and the loss of one hand or one foot, some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(ii) Of substituting, upon the occurrence of any other dismemberment some specified indemnity for any or all benefits under the policy unless the indemnity so specified is equal to or greater than one-fourth of the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue within four years from the date of such dismemberment under all other provisions of the policy applicable to the particular event or events (as distinguished from character of physical injury or illness) causing the dismemberment; or

(iii) Of substituting a specified indemnity upon the occurrence of any dismemberment for any benefit of the policy which would accrue prior to the time of dismemberment.

As used in this section, loss of a hand shall be severance at or above the wrist joint, loss of a foot shall be severance at or above the ankle joint, loss of an eye shall be the irrecoverable loss of the entire sight thereof, loss of a finger shall mean at least one entire phalanx thereof and loss of a toe the entire toe.

Reduction on account of age

(9) If it contains provision, other than as provided in Section 10370, reducing any original benefit more than fifty per cent (50%) on account of age of the insured.

Unqualified insuring clauses

(10) If the insuring clause or clauses contain no reference to the exceptions, limitations and reductions (if any) or no specific reference to, or brief statement of, each abnormally restrictive exception, limitation or reduction.

Classification of diseases

(11) If it contains benefit or benefits for loss or losses from specified diseases only unless:

(i) All of the diseases so specified in each provision granting such benefits fall within some general classification based upon:

(A) The part or system of the human body principally subject to all such diseases,

(B) The similarity in nature or cause of such diseases,

(C) In case of diseases of an unusually serious nature and protracted course of treatment, the common characteristics of all such diseases with respect to severity of affliction and cost of treatment, and

(ii) The policy is entitled and each provision granting such benefits is separately captioned in clearly understandable words

so as to accurately describe the classification of diseases covered and expressly point out, when such is the case, that not all diseases of such classification are covered.

Grace period

(12) If it does not contain provision for a grace period of at least the number of days specified below for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force; provided, that the grace period to be included in the policy shall be not less than seven (7) days for policies providing for weekly payment of premium, not less than ten (10) days for policies providing for monthly or quarterly payment of premium and not less than thirty-one (31) days for all other policies.

Conformity with law

(13) If it fail to conform in any respect with any law of this State.

Rules and regulations

(c) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient, to establish, in advance of the submission of policies, the standard or standards conforming to the provisions of subdivision (b) of this section, by which he shall disapprove or withdraw approval of any disability policy.

In promulgating any such rule or regulation the commissioner shall give consideration to the criteria herein established and to the desirability of approving for use in policies in this State uniform provisions, nation-wide or otherwise, and is hereby granted the authority to consult with insurance authorities of any other state and their representatives individually or by way of convention or committee, to seek agreement upon such provisions.

Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code.

Withdrawal of approval

(d) The commissioner may withdraw approval of filing of any policy or other document or matter required to be approved by him, or filed with him, by the provisions of this chapter when he would be authorized to disapprove or refuse filing of the same if originally submitted at the time of such action of withdrawal.

Any such withdrawal shall be in writing and shall specify reasons. An insurer adversely affected by any such withdrawal may, within a period of thirty (30) days following mailing or delivery of the writing containing such withdrawal, by written request secure a hearing to determine whether such withdrawal should be annulled, modified or confirmed. Unless, at any time, it be mutually agreed to the contrary, hearing shall be granted and commenced within a period of thirty (30) days following filing of the request and shall proceed with reasonable dispatch to determination. Unless the commissioner in writing in such withdrawal, or subsequent thereto, grants an extension, any such withdrawal shall, in the absence of any such request, be effective, prospectively and not retroactively, on the ninety-first

(91st) day following the mailing or delivery of such withdrawal, and, if request for such hearing be filed, on the ninety-first (91st) day following mailing or delivery of written notice of the commissioner's determination.

Exemption

(e) No proceeding under this section shall be subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Judicial review

(f) Except as provided in subdivision (i) of this section, any action taken by the commissioner under this section shall be subject to review by the courts of this State and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure.

Notwithstanding any other provision of law to the contrary, petition for any such review may be filed at any time before the effective date of the action taken by the commissioner. No action of the commissioner shall become effective before the expiration of twenty (20) days after written notice and a copy thereof are mailed or delivered to the person adversely affected, and any action so submitted for review shall not become effective for a further period of fifteen (15) days after the filing of the petition in court. The court may stay the effectiveness thereof for a longer period.

Liberal construction

(g) This section shall be liberally construed to effectuate the purpose and intentions herein stated; but shall not be construed to grant the commissioner power to fix or regulate rates for disability insurance or prescribe a standard form of disability policy.

Operative date

(h) This section shall be effective on and after July 1, 1950, as to all policies thereafter submitted and on and after January 1, 1951, the commissioner may withdraw approval pursuant to subdivision (d) of any policy thereafter issued or delivered in this State irrespective of when its form may have been submitted or approved, and prior to such dates the provisions of law in effect on January 1, 1949, shall apply to such policies.

Effect of approval

(i) Any such policy issued by an insurer to an insured on a form approved by the commissioner, and in accordance with the conditions, if any, contained in the approval, at a time when such approval is outstanding shall, as between the insurer and the insured, or any person claiming under the policy, be conclusively presumed to comply with and conform to the provisions of this section.

Application

(j) The provisions of this section do not apply to accident policies including those providing hospitalization benefits on account of sickness, which are issued through newspapers or other publications of general circulation to their subscribers, readers, carrier boys, newspaper vendors or district men.

CHAPTER 1251

Stats 1915, p 1502, amended

An act to amend Sections 2, 13¾ and 15 of the Los Angeles County Flood Control Act, relating to district works and improvements including storm drain improvements and drainage systems.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 2 of the Los Angeles County Flood Control Act is amended to read:

Declaration

Sec. 2. The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Powers of district

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

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

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

5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.

6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided. Powers of district

7a. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, any agency or department thereof, or from any nonprofit corporation, organized under the laws of this State, to which the Reconstruction Finance Corporation, a corporation organized and existing under and by virtue of an act of Congress, entitled "Reconstruction Finance Corporation Act," or other agency, or department, of the United States Government, has authorized, or shall hereafter authorize, a loan to enable such nonprofit corporation to lend money to said Los Angeles County Flood Control District, for any flood control work authorized under this act, and to repay the same, in annual installments, over a period of not to exceed twenty (20) years, with interest at a rate of not to exceed four and one-fourth per centum (4¼%) per annum, payable semiannually, and, without the necessity of an election when authorized by resolution of the board of supervisors, as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes, or bonds, or other evidences of indebtedness, signed by the chairman of the board of supervisors of said district, which notes, bonds, or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution of the board of supervisors providing for their issuance, and said notes, bonds, or other evidences of indebtedness, may have interest coupons attached to evidence interest payments, signed by the facsimile signature of said chairman of said board. All applications for such loans shall specify the particular flood control work or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and shall be expended for those purposes only which are described and referred to in the applications. If a surplus remains after the completion of said work, such surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness, executed as aforesaid, for the loan including interest coupons. The board of supervisors shall annually, levy a tax upon the taxable real property of said district, clearly sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by said resolution of the board of supervisors; provided, however, that the amount of taxes levied in any year, pursuant to the provisions of this subsection, shall, pro tanto, reduce the authority of the board of supervisors, during any such year, to levy taxes under Section 14 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection. 15 U S C §601

Notwithstanding anything in this subsection 7a to the contrary, the total amount which said district may borrow under the authority of any or all of the provisions of this subsection

Powers of district

is limited to and shall not exceed in the aggregate the sum of four million five hundred thousand dollars ($4,500,000).

7b. The power granted in the next preceding subsection is hereby extended to authorize the issuance and sale of bonds or other evidences of indebtedness of said district to the County of Los Angeles and the purchase thereof by said county in accordance with "An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town or municipal utility district or flood control district," approved April 23, 1913, as amended; all subject to the provisions and limitations of the next preceding subsection relative to the disposition and use of funds, interest rate, period of repayment, tax rate and mode of issuance. The total amount of bonds or other evidence of indebtedness, in the aggregate, which the district may issue and sell under the authority of subsection 7a and of this subsection is limited to and shall not exceed four million five hundred thousand dollars ($4,500,000).

Stats. 1913, p 76

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.

9. To make contracts, and to employ for temporary services only, expert appraisers, consultants and technical advisers, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Los Angeles County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars ($5,000,000); provided, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer

thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein except to public agencies for recreational purposes when such use is not inconsistent with the use thereof by the district for flood control and water conservation purposes; or except as hereinafter provided by Section 17 of this act; provided, however, that said district may grant and convey to the United States of America, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam or reservoir site, improved or constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed and deemed reasonable by the Secretary of War and the Chief of Engineers. Powers of district

The said district by or through its board of supervisors, or other board or officers at any time succeeding to the duties or functions of its board of supervisors, is hereby authorized and empowered to warrant and defend the title to all land and interests therein so conveyed to the United States of America or to any such agency and their respective assigns; to covenant and agree to indemnify and keep indemnified and to hold and save harmless and exonerated the United States of America or any such agency, to which such lands or any interest therein are so conveyed by said district, from and against all demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any defect or defects whatsoever in the title to any such land or interest in land so conveyed by said district; to reimburse and save harmless and exonerated the United States of America or any such agency for any and all amounts, paid, and expenses incurred, in the compromise or settlement of any demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any claim to or defect or defects whatsoever in the title to any such land or interests in land so conveyed by said district; to pay all just compensation, costs and expenses, which may be incurred in any condemnation proceeding deemed necessary by the United States of America or such agency, in order to perfect title to any such land or interests in land, including without limitation all attorneys' fees, court costs and fees, costs of abstracts and other evidences of title, and all other costs, expenses or damages incurred or suffered by the United States of America or such agency; and consent is hereby given to the bringing of suit or other legal proceedings against said district by the United States of America or such agency, as the case may be, in the proper district court of the United States, upon any cause of action arising out of any conveyance, contract or covenant made or

entered into by said district pursuant to the authority granted in this act, or to enforce any claims, damages, loss or expenses arising out of or resulting from any defect whatsoever in the title to such land or any interest therein or any claims of others in or to such land or interest therein.

SEC. 1.5 Section 13¾ of the Los Angeles County Flood Control Act is amended to read:

Power to accept storm drain improvements

Sec. 13¾. The board of supervisors of the Los Angeles County Flood Control District shall have power to accept on behalf of said district a transfer and conveyance of storm drain improvements and drainage systems lying within the territorial limits of said district and which have been constructed prior to July 1, 1951, whenever the governing body of any public agency owning or exercising jurisdiction over such storm drain and drainage improvements, by resolution describing them, requests the said Los Angeles County Flood Control District to accept the same or when the owner of such storm drain improvement or drainage system tenders a conveyance thereof. Upon such acceptance, the board of supervisors of said district shall thereupon assume sole control and jurisdiction over such storm drain and drainage systems and shall thereafter provide for the operation, maintenance, repair and improvement thereof, except that such flood control district shall not assume or be liable for any bonded indebtedness that may be against the said storm drain or drainage systems. Any city or county within whose limits any storm drain or drainage system has been constructed, and which storm drain or drainage system also lies within the territorial limits of said Los Angeles County Flood Control District, may, by a four-fifths vote of the legislative body of such city or county, transfer and convey to said flood control district any such storm drain or drainage systems for future operation, maintenance, repair and improvement, and upon acceptance of any storm drain improvement under this section the board of supervisors of said flood control district shall have power, and it shall be its duty, to levy a special tax each year upon the taxable real property in said district sufficient to pay the cost and expense of operating, maintaining, repairing and improving such storm drain and drainage systems so transferred and accepted, excepting only the payment of interest and principal on any outstanding bonds for which the said district shall not be liable. Said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said flood control district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to, the taxes authorized to be levied under Section 14 of this act but may be levied with the taxes authorized under Section 13½ of this act.

SEC. 2. Section 15 of the Los Angeles County Flood Control Act is amended to read:

Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars ($5,000), shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said board shall require the successful bidder or bidders to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter, and shall also have the right to reject any and all bids not suitable to the best interest of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, dam protection, temporary work, maintenance work, or of emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by force account. It shall be the duty of the purchasing agent of Los Angeles County, and ex officio the purchasing agent of Los Angeles County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases costing less than ten dollars ($10), and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed two thousand dollars ($2,000). Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Contracts exceeding $5,000 Bidding, etc

Works along, etc., public roads

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within 30 days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 1252

An act to amend Section 1648.3 of the Insurance Code, relating to insurance brokers' licenses.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 1648.3 of the Insurance Code is amended to read:

Insurance brokers qualifications

1648.3. Before being permitted to take the qualifying examination for license to act as an insurance broker or to qualify to exercise the brokership powers of a corporation, association or partnership, an applicant or a person named to exercise such brokership powers shall have either:

(a) Successfully completed a course or courses of study approved as to method of instruction and content by the commissioner, covering the principal branches of the insurance business and requiring not less than 90 hours of classroom work or the equivalent thereof in correspondence work; or

(b) Successfully completed a course or courses of study approved as to method of instruction, content and number of hours by the commissioner, covering the principal branches of the insurance business and given to members of the armed forces by the United States Armed Forces Institute; or

(c) Been regularly employed by an insurance company, insurance broker, or an insurance agent, or licensed under this article, for a period or periods aggregating not less than one year during the three years next preceding the date of application, in responsible insurance duties relating to classes of insurance other than life; provided, that time spent in military service shall be excluded in computing such three-year period; and he shall submit affidavits stating facts which show compliance with this requirement.

Such course or courses either (1) shall be given by a degree-conferring college or university which has, when such course is taken by such individual, a curriculum or curricula approved by the commissioner, whether such course be given as part of any such curriculum or separately or (2) shall have been given by any other institution which maintains equivalent satisfactory standards of instruction, and which shall have been approved for such purpose by the commissioner.

The commissioner shall not approve any curricula, whether given by a degree-conferring college or university, a correspondence school, or any other institution, unless it includes instruction in: classes of insurance except life insurance; the fundamental characteristics of each of the types of insurers admitted to transact insurance in California; the laws of the State of California relating to the transaction of insurance by insurance agents, brokers and solicitors; and such other subjects as the commissioner finds to be necessary to qualify a person to discharge his responsibilities as an insurance agent or broker or to exercise agency or brokership powers.

This section shall be applicable to all persons required to take the qualifying examination for a license to act as an insurance broker, or to qualify to exercise the brokership powers of a corporation, association or partnership, who make application for said licenses or so to qualify after January 1, 1944.

SEC. 2. This act shall become operative July 1, 1952. Operative date

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CHAPTER 1253

An act to add Section 30 to the American River Flood Control District Act, relating to the acquisition of additional flood control works for operation, repair, and maintenance and the assessment of property benefited by those works. Stats 1927, p 1596, amended

[Approved by Governor June 28, 1951 Filed with Secretary of State June 30, 1951.] In effect September 22, 1951

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

SECTION 1. Section 30 is added to the act cited in the title hereof, to read:

Sec. 30. The district shall give assurances and commitments to the United States and the State of California that it Operation, maintenance, etc., of flood control works

will operate, repair and maintain any flood control works constructed by the United States and the State of California within or adjacent to that portion of the district lying north of Arcade Creek, as hereinafter described.

The annual sum required to operate, repair and maintain the works so constructed shall be assessed in the manner set forth in Section 17 hereof, against all taxable property benefited by the works. Assessments made pursuant to this section are not subject to the limitation prescribed in Section 18 of this act.

The following described lands are hereby found and declared to be benefited by said flood control works to wit: All land within the zone, the boundaries of which are hereby described as follows:

Boundaries

Beginning at the intersection of the easterly boundary line of reclamation district number one thousand with the south line of fractional section thirty-one, township ten north, range five east, Mount Diablo base and meridian, and running thence easterly along the south line of said section thirty-one to the westerly line of section six of the Rancho del Paso according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento in book A of surveys, survey number ninety-four; thence southerly along the westerly line of said section six of the Rancho del Paso to the southwest corner of said section; thence easterly along the section lines common to sections five, six, nine and ten of said Rancho del Paso to the northeast corner of section ten of said Rancho del Paso, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one-half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho del Paso, said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean Avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North Avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North Avenue to the center line of Cedar Street as said street is shown on the plat of Del Paso Heights, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar Street to the center line of Grand Avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said

Grand Avenue to the center line of Maple Street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple Street to the north line of lot thirteen of Oak Ridge Acres, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said lot thirteen of Oak Ridge Acres to the northwest corner of said lot thirteen; thence southerly along the lot lines common to lots thirteen, fourteen, twenty-two, twenty-one, forty-six, forty-seven, fifty-three and fifty-two of said Oak Ridge Acres to the center line of Los Robles Boulevard as said boulevard is shown on said plat of Oak Ridge Acres; thence easterly along the center line of said Los Robles Boulevard to the intersection of said center line with the center line of Marysville Boulevard as shown on said plat of said Oak Ridge Acres; thence southwesterly along the center line of said Marysville Boulevard to the northerly boundary of right of way acquired for levee purposes along the north bank of Arcade Creek; thence westerly along the landward boundary of said right of way to its junction with the easterly boundary line of Reclamation District No. 1000; thence northerly along the easterly boundary of Reclamation District No. 1000 to the point of beginning. Boundaries

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CHAPTER 1254

An act to amend Section 928 of the Health and Safety Code, relating to local health districts.

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.] In effect September 22, 1951

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

SECTION 1. Section 928 of the Health and Safety Code is amended to read:

928. The members shall hold office for the term of four years from the second day of the calendar year next succeeding their appointment; however, the members of the first district board appointed in a district shall at the first meeting of the board so classify themselves by lot that one-half of their number, if the total membership is an even number, and if uneven, that a bare majority of their number, shall go out of office at the expiration of two years from and the remainder at the expiration of four years from, the second day of the calendar year next succeeding their appointment. District boards Terms of members

Provided, however, the district board of any district organized prior to September 19, 1947, may at any time provide that the terms of all its members shall terminate as of January 1st in the year next succeeding that in which such provision is made, in which event members of the district board shall be appointed pursuant to Section 926a to take office on the January

2d immediately following such termination. The members of the board so appointed shall classify themselves, and they and their successors shall hold office, in the same manner and for the same terms as provided in this section for members of the first district board and their successors.

CHAPTER 1255

An act to add Section 926a to the Health and Safety Code, relating to local health districts.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Section 926a is added to the Health and Safety Code, to read:

District board members. Number, appointment

926a. This section shall govern and control the number of members of district boards and the manner of their respective appointments in all districts organized before September 19, 1947.

The district board shall consist of at least five members. One member shall be appointed from each unit of unincorporated territory by the board of supervisors of the county in which the unit is situated.

One member shall be appointed from each city in the district, by the governing body of the city.

If the district board thereby created consists of less than five members additional members shall be appointed according to one of the following methods:

(a) If the district is in one county only the board of supervisors shall make the appointment from the district at large of enough additional members to make a board of five trustees.

(b) If there are several units of the district in more than one county, one additional member by the board of supervisors of each county where a unit is situated.

(c) By the boards of supervisors jointly if the district includes units in several counties and only one additional member is to be appointed.

CHAPTER 1256

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the City of Santa Clara, County of Santa Clara, State of California.

In effect September 22, 1951

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

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

Suit authorized

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property located in the

City of Santa Clara, County of Santa Clara, State of California, and described in this act, may bring suit against the State of California, in accordance with law in any court of competent jurisdiction of the State of California, to quiet title to said property and to prosecute said action to final judgment. If the judgment is given against the State in such suit, no costs shall be recovered against the State.

Limitation on action

SEC. 2. Any action brought within the provisions of this act must be commenced within one year from the effective date hereof.

Service of summons

SEC. 3. Service of summons in any suit shall be upon the Chairman of the State Lands Commission and Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

Description of property

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

All that parcel of real property located in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

All of Lot 16, in Block 4, as shown upon that certain map entitled, "Map of the Electric Tract, being a subdivision of Block 4 and 5, N. R. 3 E. in the City of Santa Clara," which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on November 30, 1889 in Volume "D" of Maps, at page 153.

CHAPTER 1257

An act to amend Sections 2, 5 and 6 of the Alcoholic Beverage Control Act, relating to alcoholic beverages and licenses of wine brokers.

Stats 1935, p 1123, amended

[Approved by Governor June 28, 1951. Filed with Secretary of State June 30, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 2 of the Alcoholic Beverage Control Act is amended to read:

Definitions

Sec. 2. The following words, terms and phrases when used in this act have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

Definitions

(c) "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof in water, and shall include ale, porter, brown, stout, lager beer, small beer and strong beer but shall not include sake known as Japanese rice wine.

(d) "Distilled spirits" means an alcoholic beverage obtained by the distillation of fermented agricultural products, and shall also include alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

(e) "Wine" means for the purposes of this act the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverages to which is added grape brandy, fruit brandy or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring and blending material and which contains not more than 24 percent of alcohol by volume and shall include vermouth and sake, known as Japanese rice wine. Nothing herein contained shall be construed to affect or limit the power, authority or duty of the State Department of Public Health in the enforcement of the laws directed toward preventing the manufacture, production, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages, and the definition of "wine" herein contained shall be limited strictly to the purposes of this act and shall not extend to, or repeal by implication, any act preventing the production, manufacture, sale or transportation of adulterated, misbranded or mislabeled alcoholic beverages.

(f) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

(g) "Board" means the State Board of Equalization of the State of California.

(h) "Club" means a corporation or association which is the owner, lessee or occupant of an establishment operated solely for objects of a social or athletic nature, having a bona fide membership list, and the majority of the members of which pay dues at least once in every year, but not for pecuniary gain, and the property as well as the advantages of which belong to the members.

(i) "Beer manufacturer" means any person engaged in the manufacture of beer.

(i1) "Brandy manufacturer" means any person engaged in the manufacture of brandy only and not in the manufacture of any other distilled spirits.

(i2) "Wine grower" means any person engaged in the production of wine, except that any person who produces not

to exceed 200 gallons of wine per year for his own consumption shall not, because of such production, be considered a wine grower within the meaning of this act. Definitions

(i3) "Industrial alcohol dealer" is a person who sells alcohol or distilled spirits in packages of more than one gallon for use in the trades, professions, or industries, but not for beverage use.

(i4) "Retailer" means and includes any on- or off-sale licensee.

(j) "Rectifier" means every person who colors, flavors, or otherwise processes distilled spirits by distillation, blending, percolating or other processes.

(k) "Importer" means (1) any consignee of alcoholic beverages brought into this State from without this State when such alcoholic beverages are for delivery or use within this State; or (2) any person, except a public warehouse licensed under this act, to whom delivery is first made in this State of alcoholic beverages brought into this State from without this State for delivery or use within this State; (3) any person licensed as an importer, selling alcoholic beverages to nonlicensees within an area over which the United States Government exercises jurisdiction when delivery of such alcoholic beverages is made to such nonlicensees by a common carrier transporting such alcoholic beverages from a point outside this State; or (4) any person bringing alcoholic beverages into this State from without this State which are not consigned to any person and which are for delivery or use within this State; provided, that a person licensed under this act as a customs broker who is acting as an agent for a licensed importer or for another person whose place of business is without the State shall not be deemed to be the importer of alcoholic beverages consigned in United States internal revenue bond or in United States customs bond to such licensed customs broker.

(k1) "Exporter" means any person who sells, delivers or consigns alcoholic beverages located within this State for delivery or use or sale without the State.

(k2) "Private warehouse" means any place maintained by a licensee under this act, other than his licensed premises, for the storage but not for the sale of alcohol or alcoholic beverages owned by such licensee.

(k3) "Public warehouse" means any place licensed for the storage of, but not the sale of, alcohol or alcoholic beverages for the account of other licensees and shall include United States custom bonded warehouses and United States internal revenue bonded warehouses when such bonded warehouses are used for storage of alcoholic beverages for the account of another licensee.

(k4) "Retail sale" or "sale at retail" means the sale by an on- or off-sale licensee for consumption and not for resale.

(*l*) "Sell" or "sale" and the phrase "to sell" means and includes any transaction whereby, for any consideration, title to alcoholic beverages is transferred from one person to another, and means and includes the delivery of alcoholic beverages pur-

Definitions

suant to an order placed for the purchase of such beverages and shall include soliciting or receiving an order for such beverages, but shall not include the return of alcoholic beverages by a licensee to the licensee from whom such alcoholic beverages were purchased.

(m) "Public bar," or "public saloon" or "public barroom" means and shall be deemed to be premises maintained and operated for the selling or serving of alcoholic beverages, other than beer, to the public for consumption on the premises, and which are not equipped and maintained for the sale and service of meals to the public, and in which meals are not actually sold and served to the public.

(m1) "Hotel," "restaurant," "cafe," "cafeteria" or "other public eating place" means premises maintained and operated in good faith for selling and serving meals to the public for consumption upon the premises.

(m2) "State Liquor Administrator" means the Chief of the Alcoholic Beverage Control Division, and he shall have the power and duties which this act provides shall be exercised by him and which may be assigned to him by the board.

(m3) "Referee" means the person appointed or authorized by the board to conduct hearings and investigations in proceedings with respect to the granting, denial, suspension or revocation of licenses under this act.

(n) "Package" means any container or receptacle used for holding alcoholic beverages which is corked or sealed with a stub, stopper or cap, or in any other manner.

(o) "To bottle" or "to package" means to bottle, barrel, or otherwise place alcoholic beverages in a container.

(p) "Distilled spirits manufacturer" means any person who produces distilled spirits from naturally fermented materials or in any other manner.

(q) "Proof spirits" means that alcoholic liquor which contains one-half of its volume of pure ethyl alcohol of a specific gravity of 0.7939 at 60 degrees Fahrenheit, referred to water at 60 degrees Fahrenheit as unity.

(r) "Proof gallon" means a gallon of proof spirits, or an equivalent amount of alcohol.

(s) "Wholesaler" means and includes every person other than a manufacturer, wine grower or rectifier who is engaged in business as a jobber or wholesale merchant, dealing in alcoholic beverages.

(t) "Wholesale sale" or "sale at wholesale" means a sale to any licensee for purposes of resale.

(u) "Retailer's on-sale license" means and includes on-sale beer licenses, on-sale beer and wine licenses, on-sale general licenses, and on-sale distilled spirits licenses for seasonal businesses.

(v) "Gallon" or "wine gallon" means that liquid measure containing 231 cubic inches.

(w) "Within this State" means all territory within the boundaries of this State.

(w1) "Without the State" means all territory without the boundaries of this State. Definitions

(x) "Still" means a still used in the production or capable of being used in the production of alcoholic beverages and does not include stills or apparatus used solely in the production of distilled water or substances other than alcoholic beverages.

(y) "Customs broker" means and includes every person who is authorized to act as agent or broker for a person licensed as an importer under this act, or for a person whose place of business is without the State, in regard to the importing of alcoholic beverages into the State in United States internal revenue bond or in United States customs bond.

(z) "Case" or "original case" means a standard box or carton as packed by the manufacturer or wine grower in which packages of alcoholic beverages are shipped or transferred.

(z1) "Licensee" means any person holding a license issued by the board.

(z2) "Salesman" means any individual who solicits or receives an order for alcoholic beverages from any licensee.

(z3) "Wine broker" means and includes every person, other than a salesman who is regularly employed by a licensee, who engages as an agent in the sale or purchase of wine for or on behalf of another or others for a fee or commission.

SEC. 2. Section 5 of said act is amended to read:

Sec. 5. The following are the types of licenses to be issued under this act and the annual fees to be charged therefor: Licenses, fees

1.	Beer manufacturer's license	$750.00 per year
2.	Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	20.00 per year
	Over 5,000 gallons to 20,000 gallons per year	40.00 per year
	Over 20,000 to 100,000 gallons per year	75.00 per year
	Over 100,000 to 200,000 gallons per year	100.00 per year
	Over 200,000 gallons to 1,000,000 gallons a year	150.00 per year
	For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	100 00 per year
3.	Distilled spirits manufacturer's license	250.00 per year
4.	Still license	10.00 per year per still
5.	Rectifier's license	250.00 per year
6.	Brandy manufacturer's license	150.00 per year
7.	Distilled spirits importer's license	no fee
8.	Beer and wine importer's license	no fee
9.	Brandy importer's license	no fee
10.	Public warehouse license	10.00 per year
11	Beer bottling or packaging license	500.00 per year
12.	Distilled spirits wholesaler's license	250.00 per year
13.	Beer and wine wholesaler's license	50.00 per year

14.	Customs broker's license	$50.00 per year
15.	Retail package off-sale beer and wine license	10.00 per year
16.	Retail package off-sale general license for the first $10,000 retail sales of distilled spirits per year	110 00 per year
	For each $1,000 or fraction thereof of retail sales of distilled spirits over $10,000 per year	10 00 per year
	But not exceeding in all the maximum of	750.00 per year
17.	Industrial alcohol dealer's license	50.00 per year
18.	On-sale beer license	25.00 per year
19.	On-sale beer and wine license	75.00 per year
20.	On-sale beer and wine license for trains (per train)	15.00 per year
21.	On-sale beer and wine license for boats (per boat)	50.00 per year
22.	On-sale general license for seasonal business	$18.75 per quarter year
	plus an additional fee as set by the board for the distilled spirits privileges (to become effective January 1, 1950).	
23.	On-sale general license	75.00 per year
	plus an additional fee as set by the board for the distilled spirits privileges (to become effective on January 1, 1946).	
24.	Distilled spirits manufacturer's agent's license	250.00 per year
25.	Wine rectifier's license	250.00 per year
26.	Wine broker's license	50.00 per year

In fixing license fees for on-sale general licenses, the board may place common carrier boats and trains in a separate classification or separate classifications, and fix therefor different or lesser license fees for boats or for trains than that fixed for other on-sale general licenses, giving consideration to the limited number of possible customers on boats or on trains and the limited number of hours within which it is practicable to exercise such license on a boat or on a train.

Fee reduction

The fees specified above shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date on which the application for the license is filed with the board; provided, that where an application clearly indicates that the applicant does not desire to exercise the privileges granted by the license applied for until on or after the beginning of the quarterly period following the quarterly period in which the application is filed with the board, such fees shall be reduced 25 percent for each full quarter of a year elapsing between the first day of the year for which the license is issued and the date so indicated in the application, but in no event shall any license, other than a temporary on-sale beer or wine license, be issued for any

period for a fee less than one-half of the annual license fee therefor.

The provisions of this paragraph shall not be deemed to restrict the power of the board to make the refunds authorized by Section 11a.

Graduated fees

Where the fee for any license is graduated according to the amount of alcoholic beverages sold under the license, and the license is applied for after the beginning of the year, the amount of alcoholic beverage authorized to be sold under the license shall be reduced proportionately with the reduction in fee provided in the preceding paragraph in accordance with such rules and regulations as the board may prescribe.

Where the fee for any license is graduated according to the amount of alcoholic beverages produced under the license, the license fee shall be determined solely upon the gallonage produced, even though the license is applied for after the beginning of the year.

On-sale distilled spirits licenses for seasonal business renewed or reissued during the calendar year ending December 31, 1949, shall be issued as on-sale general licenses for seasonal business.

Any reference in this act to on-sale distilled spirits licenses for seasonal business shall be deemed to mean on-sale general licenses for seasonal business.

SEC. 3. Section 6 of said act is amended to read:

Rights, privileges of licensees

Sec. 6. Except as otherwise provided in this act and subject to the provisions of Section 22 of Article XX of the Constitution, the licenses provided for in the preceding section shall authorize the person to whom issued to exercise the following rights and privileges and no others at the premises for which issued during the year for which issued

Manufacturer's or wine grower's license

(a) Any manufacturer's or wine grower's license authorizes the person to whom issued to become a manufacturer or producer of the alcoholic beverage specified in the license, and whether manufactured or produced by him or any other person, to package, rectify, mix, flavor, color, label and export the same, and to sell only such alcoholic beverages as are packaged by or for him only to persons holding wholesaler's, manufacturer's, wine grower's, manufacturer's agent's or rectifier's licenses authorizing the sale of such alcoholic beverages and to persons who take delivery of such alcoholic beverages within this State for delivery or use without the State, and the dealing in warehouse receipts for the alcoholic beverage specified in the license except that beer manufacturers may also sell beer to any person holding a license authorizing the sale of beer, and wine growers may also sell wine to any person holding a license authorizing the sale of wine, and also to consumers in quantities of 52 gallons or less per sale for consumption off the premises where sold, and brandy manufacturers may also sell brandy to any person holding a license authorizing the sale of brandy; provided further, that a wine grower's license authorizes the manufacture of grape brandy to be used exclusively in the production

of wine by its holder on the premises for which issued and also the sale of grape brandy to licensed wine growers to be used exclusively in the production of wine; provided further, that as to distilled spirits originally distilled in this State any manufacturer of such distilled spirits so distilled in this State may sell such distilled spirits to any person holding a license authorizing the sale of distilled spirits. A person holding a brandy manufacturer's license is authorized to sell grape brandy, fruit brandy or spirits of wine to licensed wine growers for use by the latter in the production of wine, and the production or manufacturing of alcohol for the United States Government only, and not for beverage purposes.

Still license

(b) A still license authorizes the person to whom issued to own or possess the number of stills indicated in the license upon the premises for which issued.

Rectifier's license

(c) A rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor and color distilled spirits and wine upon which the excise tax imposed by Section 23 has been paid, and, whether so cut, blended, mixed, flavored or colored by him or any other person, to package, label, export and to sell such products to persons holding licenses issued by the board authorizing the sale of distilled spirits.

On and after July 1, 1941, in order to qualify for a rectifier's license, a person must actually be engaged at the time the license is issued or renewed or within 30 days thereafter, in the bottling of distilled spirits owned by him. Said distilled spirits so owned by him shall comprise at least 50 percent of the total distilled spirits bottled by him.

Provided, however, that nothing in this section shall be construed to prohibit the issuance of a distilled spirits manufacturer's agent's license to any person who is engaged in the bottling of distilled spirits owned solely by other manufacturer's agents, rectifiers, wholesalers or manufacturers.

A rectifier who also performs the functions of a distilled spirits wholesaler shall comply with all the provisions of this act applicable to a holder of a distilled spirits wholesaler's license.

Importer's license

(d) Any importer's license authorizes the person to whom issued to become an importer of alcoholic beverages specified in the license and to export such alcoholic beverages, and to transfer such beverages to himself under another license.

An importer's license shall be issued only to a person or manufacturer who holds a license authorizing the sale for resale of the type or types of alcoholic beverages mentioned in the importer's license.

Bottling or packaging license

(e) A bottling or packaging license authorizes the labeling, bottling or packaging of the alcoholic beverages specified in the license.

Wholesaler's license

(f) Any wholesaler's license authorizes the sale of the alcoholic beverage specified in the license only to persons holding licenses issued by the board authorizing the sale of such alcoholic beverage and the exportation of such alcoholic beverages.

A beer and wine wholesaler's license also authorizes the labeling, bottling or packaging of wine in accordance with and subject to the rules and regulations now in effect or as may be hereafter adopted by the State Department of Public Health of the State of California. A beer and wine wholesaler's license shall not permit the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer.

A wholesaler's license shall not be issued to any on-sale licensee. On and after September 1, 1941, no off-sale general license shall be renewed or issued to a distilled spirits wholesaler whose premises are located in a city or town having a population of 50,000 or more as shown by the 1940 federal census or to a distilled spirits wholesaler who sells distilled spirits to licensees whose premises are located in any city or town having a population of 50,000 or more as shown by the 1940 federal census and a distilled spirits wholesaler's license shall not be held by any person unless such person at all times throughout the year has on his wholesale premises a reasonable stock of distilled spirits as determined by the Board of Equalization for which he has fully paid the United States currency or its equivalent. No wholesale license shall be issued to any other person who does not in good faith actually carry on or intend to carry on a bona fide wholesale business, by sale to retail licensees, of the alcoholic beverage designated in such wholesale license and the board may revoke any such wholesale license where such licensee fails for a period of 45 days actively and in good faith to engage in such wholesale business and shall revoke any distilled spirits wholesaler's license held by any person who fails to comply with other provisions of this section Sale by a wholesale licensee to himself as a retail licensee shall not be held to be the transaction of a bona fide wholesale business.

Retail package off-sale beer and wine license

(g) A retail package off-sale beer and wine license authorizes the sale, to consumers only and not for resale, of beer in packages and in quantities of 31 gallons or less per sale, and the sale of wine in packages and in quantities of 52 gallons or less per sale, for consumption off the premises where sold.

Off-sale general license

(h) An off-sale general license includes the privileges specified in subdivision (g) of this section and authorizes the sale, to consumers only and not for resale, of distilled spirits in packages of not more than one gallon and in packages containing not less than one-half pint for consumption off the premises where sold; except that nothing in this act shall be deemed to prevent the sale in packages of less than one-half pint, of bitters or other aromatic or flavoring or medicinal preparations, which are classed for taxing purposes as distilled spirits, by off-sale general licenses.

Industrial alcohol dealer's license

(i) An industrial alcohol dealer's license authorizes the sale of undenatured ethyl alcohol in packages of more than one gallon for use in the trades, professions or industries and not for beverage consumption.

On-sale license

(j) Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises

where sold. An on-sale general license authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. An on-sale general license authorizes the purchase and possession of distilled spirits in packages of not more than one gallon capacity and of not less than one-half pint capacity; except that nothing in this act shall be deemed to prevent the purchase or possession in packages of less than one-half pint capacity of bitters or other aromatic or flavoring or medicinal preparations, which are classed for taxing purposes as distilled spirits, by on-sale licensees. An on-sale general license, with respect to beer and wine, and any on-sale license, with respect to the particular beverage or beverages mentioned in such license also authorizes the exercise of the rights and privileges granted by an off-sale beer and wine license; provided, however, that none of the licensees mentioned in this sentence shall have the right by reason of any such license in this sentence mentioned, to label, bottle or package or refill any package with any alcoholic beverage. On trains and boats, under such licenses, alcoholic beverages may be served only to passengers or employees.

Manufacturer's, wine grower's, etc., license

(k) Any manufacturer's, wine grower's, manufacturer's agent's, rectifier's or wholesaler's license authorizes the dealing in warehouse receipts, for the kind of alcoholic beverages which such licensees are authorized to sell, to other licensed manufacturers, wine growers, distilled spirits manufacturer's agents, rectifiers or wholesalers who are authorized to sell the kind of alcoholic beverages covered by the warehouse receipt or to sell warehouse receipts for brandy produced in this State to licensees of other states who are authorized to deal in brandy for the purpose of storage of the brandy covered by said warehouse receipts in internal revenue bonded warehouses in this State for subsequent export to another state; provided, that nothing in this act shall be deemed to prohibit the sale of warehouse receipts for alcoholic beverages by other persons, in accordance with rules and regulations adopted by the board, to manufacturers, wine growers, manufacturer's agents, rectifiers and wholesalers licensed to sell the kind of alcoholic beverages covered by said warehouse receipt when such warehouse receipt was acquired by such person prior to May 1, 1941.

An offer to sell or an agreement to sell distilled spirits which at the time of said offer or agreement are stored in containers larger than one gallon capacity and the ownership of such distilled spirits is represented by a warehouse receipt, shall be deemed a sale of a warehouse receipt.

Public warehouse license

(*l*) A public warehouse license authorizes the storage of alcoholic beverages for the account of another licensee, including the storage of such beverages in a United States customs bonded warehouse, a United States internal revenue bonded warehouse and a United States bonded storeroom; provided, however, that as provided in Section 7 hereof no license shall be required for the storage of beer and wine upon which the excise tax levied by this act has been paid, brandy in bulk stored

in an internal revenue bonded warehouse, or wine stored in a winery, storeroom, or field warehouse bonded under the internal revenue laws of the United States.

Manufacturer's, wine grower's, etc., license

(m) Any manufacturer's, wine grower's, manufacturer's agent's, importer's, rectifier's or wholesaler's license shall also authorize the transfer of title to such alcoholic beverages to other licensed manufacturers, wine growers, manufacturer's agents, importers, rectifiers and wholesalers when such alcoholic beverages are in storage in a licensed public warehouse, United States customs bonded warehouse or United States internal revenue bonded warehouse or United States bonded storerooms located at any place within the State without any additional or other license therefor. Such licenses shall also authorize the sale of alcoholic beverages specified in the license to persons who, under such procedure as shall be established by the board, take delivery of such alcoholic beverages in this State for delivery or use without the State.

Distilled spirits manufacturer's agent's license

(n) A distilled spirits manufacturer's agent's license authorizes the possession of distilled spirits in public or private warehouses, the exportation of distilled spirits, the cutting, blending, mixing, flavoring and coloring of distilled spirits for his own account or for the account of a distilled spirits manufacturer, manufacturer's agent, rectifier or wholesaler and whether so cut, blended, mixed, flavored or colored by him, or any other person, the packaging and the sale or delivery of such distilled spirits only to holders of distilled spirits manufacturer's, rectifier's or distilled spirits wholesaler's licenses.

It shall not be required that a person must actually engage in the cutting, blending or bottling of distilled spirits in order to qualify for a distilled spirits manufacturer's agent's license.

Licensed beer manufacturer, wholesaler

(o) A licensed beer manufacturer or a licensed beer wholesaler, in addition to selling beer at his licensed premises, may sell beer from wagons or trucks operated by such manufacturer or wholesaler to licensees authorized to sell beer; and provided, that a beer manufacturer may sell and deliver beer from branch offices located away from his place of manufacture and exercise all his license privileges thereat and therefrom, other than manufacture, and the board shall upon request issue such beer manufacturer a duplicate of his original license which shall authorize the maintenance and operation of each branch declared and designated by said manufacturer, upon the payment for each such duplicate of an amount equal to the license fee payable for a like period for a wholesale beer and wine license; and provided, that in case any violation of any provision of this act or of any regulation of the board shall be committed in the exercise of the license privileges hereby authorized to be exercised at any such branch office, in the event such violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board in making its ruling or decision, where such violation shall be found to be one committed in connection with the operation of said branch office and not a violation in connection with

manufacturing or the manufacturing premises, shall not suspend or revoke or interfere with the manufacturer's license privileges or license at his place of manufacture but shall limit the application of its decision, permissible under this act, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of manufacturing beer is performed, the board in making its ruling or decision in connection with any such violation shall limit any such decision, permissible under this act, to and in connection with the license upon the premises of manufacture and to the particular function exercised by the licensee wherein a violation occurred, such as manufacturing, importing, exporting, packaging, labeling, selling to wholesalers or selling to retailers, and any existing duplicate license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be affected or interfered with by such decision or by reason of such violation.

Licensed wine grower, brandy manufacturer

(p) A licensed wine grower or brandy manufacturer in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded storerooms located away from his place of production or manufacture, other than production or manufacture and the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer. The board shall upon request issue such wine grower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. Such duplicate license shall authorize the maintenance and operation of each branch or warehouse or United States bonded storeroom declared and designated by said wine grower or brandy manufacturer at the location for which such duplicate license is issued and shall authorize the exercise of all privileges granted by the original wine grower's or brandy manufacturer's license other than production or manufacture or the sale or delivery of wine to consumers in containers supplied, furnished or sold by the consumer.

Fee for duplicate license

The fee for each such duplicate license shall in the case of a wine grower's license be an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for a duplicate brandy manufacturer's license an amount equal to the fee paid for the original license for each such duplicate; provided, that in case any violation of any provision of this act or of any regulation of the board shall be committed in the exercise of the license privileges hereby authorized to be exercised at any such branch office, in the event such violation shall become a matter of investigation or hearing or decision by the board with relation to the license of the licensee, the board, in making its ruling or decision, where such violation shall be

found to be one committed in connection with the operation of said branch office and not a violation in connection with production or the production premises, shall not suspend or revoke or interfere with the wine grower's license privileges or license at his place of production but shall limit the application of its decision, permissible under this act, to and in connection with the particular duplicate license and the premises in the operation of which the violation occurred, and in the case of any violation of any provision of this act or of any regulation of the board committed in connection with the premises where the act of producing wine is performed, the board in making its ruling or decision in connection with any such violation shall limit any such decision permissible under this act, to and in connection with the license upon the premises of production and to the particular function exercised by the licensee wherein a violation occurred, such as production, importing, exporting, packaging, labeling, selling to wholesalers or selling to retailers, and any existing duplicate license for any branch office, unless such branch office actually participated in the commission of the violation, shall not be effected or interfered with by such decisions or by reason of such violation Notwithstanding any other provisions of this act, a licensed wine grower or brandy manufacturer may be issued and may hold an off-sale general license for the premises for which he holds a wine grower's or brandy manufacturer's license and for any branch office maintained by such wine grower or brandy manufacturer.

Distilled spirits, brandy manufacturer's, rectifier's license

(q) Any distilled spirits manufacturer's or brandy manufacturer's license and any rectifier's license authorizes the sale, in conformity with United States internal revenue laws and regulations, of such distilled spirits, the sale of which is authorized by the license, in packages larger than one gallon for use in the trades, professions or industries and not for beverage use.

Licensed beer, brandy manufacturer, wine grower, rectifier, wholesaler

(r) Any beer manufacturer, wine grower, brandy manufacturer, rectifier or any wholesaler licensed under this act may in addition to the other privileges exercised under such license and in accordance with rules and regulations prescribed by the board, sell tax-paid alcoholic beverages mentioned in the license of such licensee to nonlicensees having a fixed place of business or residence upon territory within this State which is maintained by the United States Government as a military or naval reservation or national park.

Custom broker's license

(s) A customs broker's license authorizes the transfer to licensed importers of alcoholic beverages brought into the the State in United States internal revenue bond or in United States customs bond and the exportation of such alcoholic beverages. The holder of such a license is authorized to receive delivery of, possess, export, and transfer to licensed importers, such alcoholic beverages as are brought into this State in United States internal revenue bond or customs bond. Such a license also authorizes the possession and exportation of alcoholic beverages acquired from licensed manufacturers or wine growers for export.

Wine rectifier's license

(t) A wine rectifier's license authorizes the person to whom issued to cut, blend, rectify, mix, flavor or color wine upon which the excise tax imposed by Section 23 has been paid, and whether so cut, blended, rectified, mixed, flavored or colored by him, or any other person, to package, label, export and to sell such products to persons holding licenses issued by the board authorizing the sale of wine. The holder of a wine rectifier's license shall be entitled to apply for and hold a wine importer's license, a distilled spirits manufacturer's or a distilled spirits manufacturer's agent's license. A wine rectifier's license shall not be issued to or held by the holder of a retail off-sale or retail on-sale license. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this act with respect to the excise tax paid by such wine grower on wine sold to a wine rectifier and which has been exported from this State by such wine rectifier or sold for export by such wine rectifier and thereafter actually exported from this State. The board shall make rules and regulations prescribing the procedure for claiming and allowance of such credit.

Wine broker's license

(u) A wine broker's license authorizes the person to whom issued to act as a wine broker, for a fee or commission, in the purchase of wine for or on behalf of a person within or without this State authorized to buy wine for purposes of resale and in the sale of wine for or on behalf of a person other than a retail licensee, licensed to sell wine within the State. A wine broker shall not buy or sell any wine for his own account, or take or deliver title to wine, and shall not receive or store any wine in his own name in this State A wine broker shall not offer, agree to offer or sell any wine unless he shall first have a bona fide authorization therefor from a person, other than a retail licensee, licensed to sell wine in this State, or offer to buy, agree to buy, agree to offer to buy, or buy any wine unless he shall first have a bona fide authorization therefor from a person within or without this State authorized to buy wine for purposes of resale. The exercise of the privileges granted by the wine broker's license shall be subject to such rules and conditions as the board may deem necessary and proper.

CHAPTER 1258

An act to repeal Article 5, Chapter 11, Division 2 of the Education Code, relating to the organization of high school districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

Repeal

SECTION 1. Article 5, comprising Sections 3521 to 3528, inclusive, of Chapter 11, Division 2 of the Education Code is hereby repealed.

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

Under the existing law, proceedings for the formation of a county high school district may be commenced, pursuant to Article 5, Chapter 11, Division 2 of the Education Code, upon a petition signed by only 50 qualified electors in the county. A county high school district formed under Article 5 would not ordinarily include other high school districts already in existence in the county. Therefore, the formation of a county high school district would, in most of the counties in the State, result in a school district composed of noncontiguous territory Small areas of the district may be isolated by many miles from the larger portion or portions of the district A school district composed of noncontiguous territory presents many difficult problems of administration and is unduly expensive to maintain. The transportation of pupils becomes a major problem and expense and the holding of school elections is complicated in districts composed of noncontiguous territory.

Unless this act takes effect immediately, it will be possible to commence proceedings for the formation of such a district before the provisions therefor are replaced.

In order to preserve the orderly structure and administration of the school districts of the State, it is necessary that this act take effect immediately.

CHAPTER 1259

An act to continue in effect an act entitled "An act to repeal Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled 'An act to amend Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code, to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of

said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Sections 5153.3 and 6904 to said code; and to amend Sections 7091, 7092, 7095, 7113, 7116, and 6951 of said code, to repeal Articles 2 and 3 of Chapter 15, Division 3 of said code and to add Articles 2 and 11.6 to Chapter 15, Division 3 of said code all relating to the Public School System," approved May 5, 1950 (Chapter 74, Statutes 1950 First Extraordinary Session), and the several chapters, articles, and sections of the Education Code continued in effect by said act, except as otherwise provided in this act or in any other act enacted by the 1951 Regular Session of the Legislature; to repeal Sections 2.5, 10, 12, and 13 of said act; to repeal Sections 5153.3, 6906, 7037, and 7062 of the Education Code; to repeal Articles 2, 3 and 11.6 of Chapter 15 of Division 3 of said code; to repeal Article 1 of Chapter 16 of Division 3 of said code; to amend Sections 7001, 7038, 7041, 7067, 7075, 7081, 7092, 7112, 7115, and 7125 of said code; to amend the heading of Article 12 of Chapter 15 of Division 3 of said code; to add Sections 5009, 5153.3, 6907, 7031.1, 7037, 7037.1, 7037.2, 7037.3, 7094, 7096, 7117, 9618, and 9646 to said code; to add Articles 2, 5.5 and 11.6 to Chapter 15 of Division 3 of said code; and to add Article 1 to Chapter 16 of Division 3 of said Code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

Continuance of prior acts

SECTION 1. An act entitled "An act to repeal Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance

in effect of an act entitled 'An act to amend Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Sections 5153.3 and 6904 to said code; and to amend Sections 7091, 7092, 7095, 7113, 7116, and 6951 of said code, to repeal Articles 2 and 3 of Chapter 15, Division 3 of said code and to add Articles 2 and 11.6 to Chapter 15, Division 3 of said code all relating to the Public School System," approved May 5, 1950 (Chapter 74, Statutes 1950 First Extraordinary Session) and the several chapters, articles, and sections of the Education Code continued in effect by said act shall remain in effect except as otherwise provided in this act or by any other act enacted by the 1951 Regular Session of the Legislature.

Short title

SEC. 1.5. This act may be cited as "The State School Fund Apportionment Act of 1951."

Repeal

SEC. 2. Sections 2.5, 10, 12, and 13 of the act cited in Section 1 of this act are repealed.

Same

SEC. 3. Sections 5153.3 and 7062 of the Education Code are repealed.

Same

SEC. 4. Articles 2, 3 and 11.6 of Chapter 15, and Article 1 of Chapter 16, of Division 3 of said code are repealed.

SEC. 5. Section 5153.3 is added to said code, to read:

Additional provision

5153.3. In addition there shall be provided:

(a) The amount apportioned by the Superintendent of Public Instruction under Article 11.6 of Chapter 15 of this division.

(b) Such of the amount allowed by the Superintendent of Public Instruction under Article 2 of Chapter 15 of this division as is in excess of the amount computed by multiplying the total average daily attendance in all schools and classes main-

tained by county superintendents of schools and by the elementary school districts, high school districts, and junior college districts of the State during the preceding fiscal year by two dollars ($2).

(c) The total of the amount allowed school districts by the Superintendent of Public Instruction under subdivision (a) of Section 7117.

(d) Seven hundred thousand dollars ($700,000) for apportionment to high school districts.

SEC. 5.1. Section 5009 is added to said code, to read:

Audit of school district books

5009. The Department of Finance shall audit the books and accounts of school districts. In lieu of auditing the books and accounts of each school district, the Department of Finance may conduct such audits as it deems sufficient to determine the validity of the allocation of state funds for school purposes and to establish proper accountability and at such times as, in the judgment of the Department of Finance, will serve the best interests of the State, or the Department of Finance may accept a grand jury audit or an audit by a certified public accountant or a public accountant employed by the district if the report covering such audit contains such statements and information as may be prescribed by the Department of Finance.

The Department of Finance shall render to the State Controller a report of all such audits, showing therein the findings, and the Controller shall make the necessary adjustments in future apportionments to the several school districts wherein such audits show that the same are necessary to correct any deficiencies or overages in the apportionment of state funds.

Nothing in this section shall be construed as authorizing the Department of Finance to examine into or report on the curriculum used or provided for in any school district.

Repeal

SEC. 6. Section 6906 is repealed effective July 1, 1952.

SEC. 7. Section 6907 is added to said code, to read:

Average daily attendance of "original district"

6907. If the average daily attendance of pupils residing in territory of a district, hereinafter referred to as the "original district," in the regular day schools of such original district during the fiscal year immediately preceding the effective date of the inclusion of such territory for all purposes in another district of the same type, hereinafter referred to as the "acquiring district," under or pursuant to any provision of law, exceeds 25 units, such average daily attendance shall, for all the purposes of this division, be deemed to have been average daily attendance in the regular day schools of the acquiring district and not average daily attendance in the regular day schools of the original district, except that if the acquiring district was not in existence for all purposes during said preceding fiscal year, such average daily attendance shall be deemed to have been average daily attendance in the regular day schools of the acquiring district during said preceding fiscal year.

The average daily attendance of pupils in the regular day junior colleges of a high school district during the fiscal year immediately preceding the effective date of the inclusion of such

high school district in a junior college district shall, for all the purposes of this division, be deemed to be average daily attendance in regular day junior colleges of the junior college district during said preceding fiscal year and not average daily attendance in the regular day junior colleges of the high school district during said preceding fiscal year.

For the purposes of this section all elementary school districts are districts of the same type, all high school districts are districts of the same type, and all junior college districts are districts of the same type.

The inclusion of the whole or a portion of an elementary school district, high school district, or junior college district in a unified school district shall be deemed to be the inclusion of such elementary school district, high school district, or junior college district or portion thereof in the elementary school district, high school district, or junior college district, as the case may be, within the unified school district.

The Superintendent of Public Instruction shall, and is authorized so to do, adopt such rules and regulations as in his judgment are necessary to give effect to this section.

This section shall become operative on July 1, 1952 Operative date

SEC. 8. Section 7001 of said code is amended to read:

7001. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amount as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 7002, shows is necessary, but the total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction in all grades and classes of elementary school districts shall not exceed a sum determined by multiplying the total average daily attendance credited to all elementary school districts in the State during the preceding school year by one dollar and thirty cents ($1.30) and for all other purposes shall not exceed a sum determined by multiplying the total average daily attendance in all kindergarten, elementary, high school and junior college schools during the preceding fiscal year by three dollars ($3). Amount of allowance

SEC. 9. Article 2 is added to Chapter 15 of Division 3 of said code, to read:

Article 2. Computation of Additional Allowances to School Districts and County School Service Funds for Transportation

7011. The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of an amount computed by multiplying the total average daily attendance in the schools and classes maintained by county superintendents of schools and in the elementary school districts, high school districts, and junior college districts of the State during the preceding school year by three dollars ($3) Maximum allowance

and adding the amounts allowed under Sections 7018.1 and 7018.2.

Mandatory allowance

7011.1. The Superintendent of Public Instruction shall allow to each school district and county school service fund such amount as is required by this article.

Definitions

7012. (a) "Transportation" as used in this article means, unless the context otherwise requires:

(1) The transportation of pupils between their homes and the schools attended by them as provided by a school district.

(2) The payment of moneys by a school district to parents or guardians of pupils in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

(3) The providing of board and lodging to pupils by a school district in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

(b) "Pupils" as used in this article does not include pupils for whom the Superintendent of Public Instruction determines excess costs under Section 9617.

(c) "Total current expenses of transportation" as used in Sections 7014, 7015, and 7016 does not include current expenses for the transportation of pupils for whose transportation the Superintendent of Public Instruction makes an allowance to the district under Section 7018.1.

Regulations re allowances

7013. The Superintendent of Public Instruction shall make all allowances under this article during a fiscal year in accordance with regulations, not in conflict with this article, adopted by him, and he is hereby authorized and directed to adopt such regulations. None of such regulations shall be binding upon any school district, but no allowance shall be made under this article to a school district for any item of current expense or capital outlay with respect to which the school district has failed to comply with the regulations of the Superintendent of Public Instruction applicable to such item.

The regulations adopted by the Superintendent of Public Instruction hereunder shall, among other matters:

(a) Prescribe the records to be kept by, and reports to be made by, school districts.

(b) Fix the minimum distances for the sole purpose of determining the total current expenses of a district for transportation.

(c) Determine what expenditures constitute "current expenses."

(d) Establish and prescribe formulae for the sole purpose of computing financial allowances under which school busses may be acquired in accordance with the provisions of Section 7017.

(e) Provide for the review and approval of all expenditures upon which allowances are computed.

(f) Establish and prescribe formulae for the sole purpose of computing financial allowances for reimbursement of replace-

ment expenses incurred by a school district in replacing school busses.

Computation of allowance

7014. (a) He shall allow to each elementary school district, high school district, and junior college district, except as to any to which Section 7016 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents ($0 02) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than eight cents ($0.08) of the computed tax rate less two cents ($0.02) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of eight cents ($0.08).

(b) He shall allow to each high school district maintaining a junior college, except as to any to which Section 7016 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0 03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

Same Unified districts

7015. (a) He shall allow to each unified school district formed under the provisions of Chapter 16 of Division 2 of this code, the formation of which became effective on July 1, 1948, or thereafter, an amount equal to the total current expenses of the district during the preceding fiscal year for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change of the location of schoolhouses or the reorganization of attendance centers within the district during such preceding fiscal year. No allowance shall be made under this paragraph subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of the next paragraph shall control as to such district.

He shall allow to each unified school district not maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

(b) He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0 03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(c) He shall allow to each unified school district maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

Same. Joint transportation systems

7016. He shall compute for each group of two or more school districts which have been continuously from a time prior to July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year.

Joint transportation systems

(a) He shall, if such group comprises an elementary school district and a high school district not maintaining a junior college and each district provided for the transportation of pupils, or comprises an elementary school district, a high school district, and a junior college district and each district except the junior college district provided for the transportation of pupils, or comprises a high school district and a junior college district and each district provided for the transportation of pupils, then determine what rate of tax levied on each one hun-

dred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which has the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0 03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents ($0 12) of the computed tax rate less three cents ($0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(b) He shall, if such group comprises an elementary school district, and a high school district maintaining a junior college, each of which provided for the transportation of pupils, including those attending the junior college, or comprises an elementary school district, a high school district, and a junior college district, each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which had the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than sixteen cents ($0 16) of the computed tax rate less four cents ($0.04) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the groups certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

Cost of busses

7017. In the case of a unified school district formed under Chapter 16 of Division 2 of this code, the formation of which became effective for all purposes on July 1, 1948, or thereafter, there shall be included in addition to the current costs of the district the cost of school busses for the first five fiscal years in which it purchases school busses determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools or the reorganization of attendance centers within the district, the entire cost of such busses. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district.

Standards of approval

7018. The Superintendent of Public Instruction in approving, under this article, current expenditures of school dis-

tricts for the transportation of pupils shall apply the same standards and bases for such approval to expenditures for such transportation provided by a school district in school busses owned and operated by the school district and expenditures for such transportation provided by contract with a private party except that with respect to expenditures for transportation by contract with a private party, he shall make due allowance for all expenditures by the private party required of it by law and not required of a school district in connection with the operation of busses owned by the district.

Allowance for special students

7018.1. In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district an amount equal to the cost to the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

Same County service fund

7018.2. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the cost to the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

Reduction

7019. In the event the total amount which may be allowed under Section 7011 for allowance under this article during any fiscal year is less than the total allowances computed under this article for such fiscal year without regard to Section 7011, the amounts allowed shall be reduced in the ratio that the amount of such deficit bears to the amounts allowed.

SEC. 10. Section 7031.1 is added to said code, to read:

Foundation program

7031.1. With respect to any unified school district which became effective for all purposes after July 1, 1950, the foundation program for such district as computed under this article shall be increased five dollars ($5) for each unit of average daily attendance in each of the first five fiscal years of its existence for all purposes.

Repeal

SEC. 11. Section 7037 of said code is repealed.

SEC. 12. Section 7037 is added to said code, to read:

Computation re high schools

7037. For each high school district which had an average daily attendance during the preceding fiscal year of less than 301, he shall compute, except as otherwise provided, ten thousand eighty dollars ($10,080) for the first five units; five hundred four dollars ($504) for each of the sixth to sixty-second units, inclusive; three hundred thirty dollars ($330) for the

sixty-third unit; one hundred sixty-six dollars ($166) for each of the sixty-fourth to one hundred thirtieth units, inclusive; and seventy-five dollars ($75) for each of the one hundred thirty-first to the three hundredth units, inclusive.

SEC. 13. Section 7037.1 is added to said code, to read:

Same

7037.1. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school having an average daily attendance of less than 301 the amount of which would otherwise be computed for the district under Section 7037 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the number of units of average daily attendance of such high school by two hundred ten dollars ($210) or the following percentage of the amount computed under Section 7037.2, whichever amount is the larger:

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

SEC. 14. Section 7037.2 is added to said code, to read:

Same

7037.2. For each high school district he shall multiply the number of units of average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of 301 or more by two hundred ten dollars ($210).

SEC. 15. Section 7037.3 is added to said code, to read:

Same: Foundation program

7037.3. The amount by which the foundation program computed under Section 7037 or Section 7037.1 for a high school district exceeds the foundation program which would have been computed for such district by multiplying the number of units of average daily attendance of such district by two hundred ten dollars ($210) shall, beginning with the Fiscal Year 1954-1955, be reduced by an amount equal to 20 percent of the amount of such excess and for each of the four succeeding fiscal years by an additional 20 percent except as to any high school district in which any one or more of the following conditions obtain:

(a) If as many as five pupils residing in the district and attending grades 9 to 12, inclusive, would be required to travel more than 30 miles one way from a point on a well-traveled road nearest their home to the nearest other public high school, or

(b) If as many as 10 pupils residing in the district and attending grades 9 to 12, inclusive, would be required to travel more than 20 miles one way from a point on a well-traveled road nearest their home to the nearest other public high school, or

(c) If as many as 40 pupils residing in the district and attending grades 9 to 12, inclusive, would be required to travel more than 15 miles one way from a point on a well-traveled road nearest their home to the nearest other public high school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified was required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

SEC. 16. Section 7038 of said code is amended to read:

Computation re junior colleges

7038. For each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 6961, 6963, and 6971, subject to the provisions of Section 7149, by two hundred twenty-five dollars ($225).

SEC. 17. Section 7041 of said code is amended to read:

Allowance Emergency schools, handicapped pupils

7041. For the purposes of this article, the Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter.

(b) Two hundred ten dollars ($210) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

SEC. 18. Article 5.5 is added to Chapter 15 of Division 3 of said code, to read:

Article 5.5. Computation of Aid to County School Tuition Funds

Attendance in school in adjoining state

7046. The Superintendent of Public Instruction shall allow to each county school tuition fund ninety dollars ($90) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

SEC. 19. Section 7067 of said code is amended to read:

High school district apportionment

7067. He shall allow to each high school district ninety dollars ($90) for each unit of average daily attendance in the

district during the preceding fiscal year as computed under Sections 6943, 6962, and 6971, subject to the provisions of Section 7148.

SEC. 20. Section 7075 of said code is amended to read:

Junior college district apportionment

7075. He shall allow to each junior college district ninety dollars ($90) for each unit of average daily attendance in grades 13 and 14 subject to the provisions of Section 7149 during the preceding fiscal year, to the district as computed for the district under Sections 6963 and 6971.

SEC. 20.1. Section 7081 of said code is amended to read:

Computation of tax levy

7081. The Superintendent of Public Instruction shall then compute for each district described herein the amount which a tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was:

(a) Forty-five cents ($0.45) in an elementary school district.

(b) Forty cents ($0.40) in a high school district.

(c) Twenty-two cents ($0.22) in a junior college district.

SEC. 21. Section 7112 of said code is amended to read:

Additional apportionment High school districts

7112. If the total amount allowed from the State School Fund to all high school districts and to all county school service funds under Articles 5, 7 and 10 of this chapter on account of the average daily attendance of pupils in high school districts and in schools or classes of high school grade maintained by county superintendents of schools is less than the total amount provided in the State School Fund on account of such average daily attendance plus seven hundred thousand dollars ($700,000), minus an amount equal to the amounts allowed under Sections 7001 and 7011 on account of such average daily attendance plus one-fourth of the amount allowed under Section 7003, the balance shall be allowed by the Superintendent of Public Instruction to high school districts receiving state equalization aid during the then current fiscal year. The amount allowed each such district shall be in the ratio that the amount of the balance bears to the total amount computed as equalization aid for all high school districts, multiplied by the amount of equalization aid computed for the district.

SEC. 21.1. Section 7115 of said code is amended to read:

Reduction in apportionment High school districts

7115. If the total amount allowed from the State School Fund to all high school districts and to all county school service funds under Articles 5, 7 and 10 of this chapter on account of the average daily attendance of pupils in high school districts and in schools or classes of high school grade maintained by county superintendents of schools is larger than the total amount provided in the State School Fund on account of such average daily attendance plus seven hundred thousand dollars ($700,000), minus an amount equal to the amounts allowed under Sections 7001 and 7011, on account of such average daily attendance plus one-fourth of the amount allowed under Section 7003, the amount allowed each such district as state equalization aid from the

State School Fund shall be reduced in the ratio that the amount of the deficit bears to the total amount of equalization aid computed for all high school districts multiplied by the amount of equalization aid computed for the district.

SEC. 22. Section 7092 of said code is amended to read:

State equalization aid

7092. The Superintendent of Public Instruction shall then compare the total of the amounts allowed to, and computed for, each high school district pursuant to Articles 7 and 9 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any high school district pursuant to Articles 7 and 9 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount allowed to, and computed for, such district pursuant to Articles 7 and 9 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Notwithstanding anything in this article to the contrary, the amount computed for any high school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 6962, and 6971 by two hundred sixty dollars ($260) and had the tax used in making the computation for the district under Article 9 of this chapter been seventy-five cents ($0.75).

SEC. 23. Section 7094 is added to said code, to read:

Same Condition

7094. No state equalization aid shall be allowed to any high school district under this article during the Fiscal Year 1951-1952 unless, during the preceding fiscal year, there shall have been levied a tax for such district in an amount equal to thirty-two cents ($0.32) or more on 90 percent of each one hundred dollars ($100) of the assessed valuation in such district as shown by the equalized assessment roll of the district for the next preceding year and no high school district which has met the requirements of this section and is otherwise entitled to state equalization aid shall be denied such aid.

SEC. 24. Section 7096 is added to said code, to read:

Same Payments to acquiring district

7096. Notwithstanding anything in this chapter to the contrary, if under Section 6907 average daily attendance of an original district is credited to an acquiring district, the amounts allowed by the Superintendent of Public Instruction as state equalization aid to the original school district and to the acquiring school district during the first fiscal year in which an apportionment is made to the acquiring school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amount of state equalization aid which

would have been apportioned to the original school district during said fiscal year had this section not been in effect by the units of average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the acquiring school district. He shall allow to the original school district as state equalization aid the amount computed by multiplying the resulting quotient by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the acquiring school district. He shall allow the acquiring school district as state equalization aid the amount computed by multiplying the same quotient by the units of average daily attendance credited to the district under this section

SEC. 25. Article 11.6 is added to Chapter 15 of Division 3 of said code, to read:

Article 11.6. Apportionment for Growth

Authority to apportion

7109. The Superintendent of Public Instruction shall apportion to each school district, in addition to all other apportionments made under this division, the sums allowed as herein provided.

District report

7109.1. The governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year, as herein provided, the average daily attendance in the regular day schools of the district for all full school months in the fiscal year during (1) the period between July 1st and December 31st, inclusive, hereinafter referred to as the "first period," (2) the period between the end of the last full school month of the first period and May 31st, inclusive, hereinafter referred to as the "second period," and (3) for each of the same periods during the preceding fiscal year. Such report with respect to the first period shall be filed with the Superintendent of Public Instruction on or before the next succeeding January 15th and with respect to the second period shall be filed with the Superintendent of Public Instruction not later than the next succeeding June 10th. Each report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction.

Computation of allowance Existing district

7109.2. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that in each case the divisor used shall bear the same ratio to the divisor required to be used under said Chapter 14 to determine the average daily attendance of the regular day schools of the district for the whole of the preceding fiscal year as the number of days the regular day schools of the district were

maintained during the period bears to 175 and except that the computation of a day of attendance shall be determined according to the law in effect during said preceding fiscal year.

The Superintendent of Public Instruction shall apportion to each school district for each unit by which the average daily attendance for a period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the preceding fiscal year as basic state aid and state equalization aid, exclusive of amounts allowed under Section 7117, by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

Computation of allowance New districts

7109.3. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was not in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that the divisor used shall bear the same ratio which would have been required to be used under said Chapter 14 to determine the average daily attendance of the regular day schools of the district for the whole of the preceding fiscal year had such district been in existence for all purposes during the preceding fiscal year, as the number of days the regular day schools of the district were maintained during the period bears to 175 and except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed an amount determined by dividing the total of the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had such district been in existence for all purposes during the preceding fiscal year, multiplied by the ratio of days the regular day schools of the district were maintained to said period of the then current fiscal year to 175.

In making any computation under Section 7081 for the purposes of this section, the assessed valuation of the district for the current year shall be used. Section 7095 is not applicable to districts coming within this section.

Unified districts

7109.4. For the purposes of this article all of the elementary school districts included in any union elementary school district, joint union elementary school district, or unified school district shall constitute a single elementary school district regardless of Section 7144, all of the high school districts included in any unified school district shall constitute a single

high school district, and all of the junior college districts included in any unified school district shall constitute a single junior college district.

Date of apportionment

7109.5. The apportionment made on account of the first period shall be made not later than the next succeeding February 15th; the apportionment made on account of the second period shall be made not later than the next succeeding June 30th.

Abstract of apportionments

7109.6. The Superintendent of Public Instruction shall furnish an abstract of the apportionments made under this article to the State Controller, the Department of Finance, and to the county and city and county auditors, county and city and county treasurers, and county superintendents of schools of the several counties of the State having jurisdiction over the districts to which such apportionments are made.

Certification, payment of apportionments

7109.7. The Superintendent of Public Instruction shall certify each apportionment made by him under this article to the State Controller who shall draw his warrant during the fiscal year on the State School Fund in favor of the treasurer of the county having jurisdiction over the district for the amount of such apportionment.

Deposit of funds

7109.8. All money received by the treasurer of any county from an apportionment made under this article shall be immediately credited by the treasurer to the general fund of the district exactly as apportioned by the Superintendent of Public Instruction.

SEC. 26. The heading of Article 12 of Chapter 15 of Division 3 of said code is amended to read:

Article 12. Recomputation of Allowances

SEC. 27. Section 7117 is added to said code, to read:

Elementary school districts Additional allowance

7117. In addition to any and all other amounts allowed under this chapter, the Superintendent of Public Instruction shall allow to:

(a) Each elementary school district an amount equal to 15 percent of the state equalization aid computed for the district.

SEC. 27. Section 7125 of said code is amended to read:

County high school tuition fund

7125. The Superintendent of Public Instruction shall apportion to the county high school tuition fund of each county the amount required to be allowed thereto by Section 7046.

SEC. 28. Article 1 is added to Chapter 16 of Division 3 of said code, to read:

Article 1. County School Service Fund

Establishment of fund

7201. There is hereby established in the treasury of each county the "county school service fund."

Definitions

7202. Wherever any of the terms "unapportioned county elementary school fund," "county elementary school supervision fund," or "unapportioned county high school fund" are used in this code or in any other law, said term shall be

deemed to refer to and mean the "county school service fund" established by this chapter.

Transfer of surplus

7203. During July or August of each year the county superintendent of schools shall transfer to the county school service fund 80 percent of any excessive balance or unnecessary surplus in any school fund of any elementary school district. Funds raised by school district taxes shall not be transferred.

Apportionment of federal grants

7204. The county auditor of any county, receiving money from the Government of the United States pursuant to any act of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the money received by the Government of the United States from the forest reserves established therein, shall apportion 50 percent of the money received to the credit of the county school service fund of the county.

The money thus added to the county school service fund shall be apportioned by the county superintendent of schools in the same manner as other county school service fund money, except that all or any portion of the money thus apportioned to the credit of the county school service fund shall upon the request of the county superintendent of schools be transferred to the forest reserve school fund, which shall be used by the county superintendent of schools for the benefit of school districts of the county lying within or adjacent to the United States Forest Reserve. The fund is available for any purpose for which county funds may be spent.

Use of fund

7205. The county school service fund shall be employed by the county superintendent of schools to pay such charges against the fund as are provided in this code; and to provide with the approval of the county board of education (a) additional apportionments to any school district under his jurisdiction for current expenses which (1) has levied the maximum district tax specified in Section 6357 and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts of the same type within the county or under the jurisdiction of the county superintendent of schools, or (2) which needs additional apportionments for current expenses because of temporary emergency conditions, and (b) additional apportionments to any school district under his jurisdiction for the transportation of pupils to and from school to meet temporary emergency conditions.

7206. The county superintendent of schools may

Same

(a) With the approval of the county board of education provide advisory services in school business administration, in maintenance of school buildings and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

(b) Pay actual and necessary travel expenses incurred, in connection with curricular and special services, by the county superintendent of schools, or by his designated staff members in

accordance with regulations established by the Superintendent of Public Instruction.

The costs incurred under this section shall be paid out of the county school service fund.

Same

7207. The county superintendent of schools shall, except as otherwise provided by this code, expend from the county school service fund all amounts apportioned to said fund for supervision of instruction, exclusively for the payment of the salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than 900 units of average daily attendance during the next preceding fiscal year, and in any other elementary school districts of the county the governing board of which requests him to supervise instruction in the schools of such district, and for the furnishing of such clerical help, supplies, and equipment to the supervisors as the county superintendent of schools deems necessary. In the event of the inability of the county superintendent of schools to use such amounts advantageously during any fiscal year, the unexpended portion of such amounts may be used for other purposes of the county school service fund.

Same
Limitation

7208. No moneys shall be expended from the county school service fund for any purpose in excess of the total proposed expenditures for such purpose as approved by the Superintendent of Public Instruction under Section 7001, without the approval of the Superintendent of Public Instruction.

SEC. 29 5. Section 9618 is added to said code, to read:

Cost of education for physically handicapped minors

9618. In determining the excess cost incurred by a school district for the education of physically handicapped minor pupils under Section 9617, the Superintendent of Public Instruction shall exclude all current expenses of the district for the transportation of blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils, referred to in Section 7018.1 to and from special day classes.

SEC. 29.6. Section 9646 is added to said code, to read:

Same

9646. In determining the excess cost incurred by a county superintendent of schools for the education of physically handicapped minor pupils under Section 9645, the Superintendent of Public Instruction shall exclude all current expenses of the county superintendent of schools for the transportation of blind, deaf, cerebral palsied, and orthopedically handicapped pupils, referred to in Section 7018.2, to and from special day classes.

Legislative intent

SEC. 30. It is the intent of the Legislature in enacting this act to continue in effect Chapters 2, 12, 13, 14, 15, and 16 of Division 3, and Sections 8761, 8704, and 9645, of the Education Code as the same are now in effect except as said chapters or any article or articles, section or sections included therein, or the sections named herein, may be amended, added, repealed, added to, or otherwise affected by this act or any other act enacted by the 1951 Regular Session of the Legislature

Duration

SEC. 31. This act shall remain in effect until July 1, 1953.

Urgency

SEC. 32. 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, to become operative July 1, 1951. A statement of the facts constituting such necessity is as follows:

The existing law providing for the apportionment of the State School Fund for the support of the public kindergarten schools, elementary schools, and secondary schools will, because of Section 10 of Chapter 74, Statutes 1950 First Extraordinary Session, remain in effect only until July 1, 1951. It is essential that provision be made for the support of such schools beginning July 1, 1951, and it is therefore necessary that this act take effect immediately.

CHAPTER 1260

An act to add Chapter 4 to Part 4 of Division 3 of Title 2 of the Government Code, relating to state-owned motor vehicles, and prescribing the powers and duties of the Department of Finance, the State Personnel Board and the State Board of Control with respect thereto, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

SECTION 1. Chapter 4 is added to Part 4 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 4. STATE-OWNED MOTOR VEHICLES

Authorized use

13950. State-owned motor vehicles shall be used only in the conduct of state business. No state officer or employee shall use, or permit the use of, any state-owned motor vehicle other than in the conduct of state business.

Rules and regulations

13951. The State Board of Control shall prescribe rules and regulations which:

(a) Define the use of state-owned motor vehicles which constitutes use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Prescribe the procedure for determining and collecting from the employee responsible for the misuse the actual costs to the State attributable to misuse of state-owned motor vehicles and the disposition of such collections;

(c) Prescribe the records and reports to be kept and made by state agencies relating to the use of state-owned motor vehicles to the end that misuse may be discovered with a minimum of record keeping.

(d) Governing the storage of state-owned motor vehicles in those locations where storage space, under the jurisdiction

of the Department of Finance, is available for storage of state-owned motor vehicles.

Exception

13952. The provisions of this chapter shall not apply to the incumbents of elective state offices.

Administration of provisions

13953. The Department of Finance shall administer the provisions of this chapter and the rules and regulations adopted pursuant thereto; provided, however, that it shall be the duty of the head or governing body of each state agency to carry out and enforce this chapter and said rules and regulations within such state agency.

Violation

13954. Any violation by a state officer or employee of this chapter or the rules and regulations adopted pursuant thereto shall constitute misuse of state property under Section 19572 of this code.

Disciplinary action

13955. The State Board of Control, upon its own initiative, may suspend from state service without pay for a period not exceeding 30 days, any officer or employee of this State exempt from civil service for violating this chapter or the rules and regulations adopted pursuant thereto.

Such suspension is valid only if a written notice is served on the officer or employee prior to the effective date of the suspension and a copy of such notice filed with the State Personnel Board not later than 15 days after the effective date of such suspension The notice shall be served upon the employee either personally or by mail and shall include: (a) a statement of the nature of the punitive action; (b) the effective date of the action; (c) a statement of the causes therefor; and (d) a statement advising the employee of his right to answer the notice and the time within which that must be done if the answer is to constitute an appeal.

The officer or employee against whom such punitive action is taken shall have the right to file an answer with the State Personnel Board as provided in Section 19575, Government Code, and request a hearing. If the answer requests a hearing the State Personnel Board shall conduct a hearing. The board shall consider carefully the evidence submitted in the hearing and render a decision sustaining, modifying or revoking such suspension.

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 urgency is as follows:

Section 17.5 of the Budget Act of 1950 which provides for control of state-owned vehicles, expires at the close of business on June 30, 1951. It is necessary for the protection of the people of this State that regulations relating to the care and use of state-owned vehicles be in force without interruption. Any interference with the continuity of such law precludes the necessary uninterrupted controls and removes the required safeguards now applicable to state-owned vehicles. It is therefore necessary that this act go into immediate effect.

CHAPTER 1261

An act to repeal Sections 115 and 28450 of, and to add Sections 117, 118, 119, 120, 121, 28451, and 28452 to, the Health and Safety Code, creating the Public Health Federal Fund, making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

Repeal

SECTION 1. Sections 115 and 28450 of the Health and Safety Code are hereby repealed.

SEC. 2. Section 117 is added to the Health and Safety Code, to read:

Public Health Federal Fund

117. The Public Health Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Public Health Federal Fund.

SEC. 3. Section 118 is added to the Health and Safety Code, to read:

Appropriation

118. All money in the Public Health Federal Fund is hereby appropriated to the State Department of Public Health, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

SEC. 4. Section 119 is added to the Health and Safety Code, to read:

Record of income

119. The State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Public Health Federal Fund, and of the disbursements and transfers therefrom.

SEC. 5. Section 120 is added to the Health and Safety Code, to read:

General plan of administration

120. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Public Health Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of the State Department of Public Health, and

(b) Any expenditures which are a proper charge against an appropriation from any special fund in the State Treasury, expenditures from which are administered through or under the direction of the State Department of Public Health, may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered through or under the direction of said department, and

(c) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Public Health Federal Fund or against any appropriation from any special fund.

Such a general plan may provide for advance transfers from the Public Health Federal Fund to the General Fund, based on estimates of such expenditures that will be subject to reimbursement from the Public Health Federal Fund pursuant to such plan, and may provide for reimbursements to the Public Health Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the State Department of Public Health, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

SEC. 6. Section 121 is added to the Health and Safety Code, to read:

Special Deposit Fund

121. All grants or donations of money received by the State from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be deposited in the Special Deposit Fund, subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, separate accounts within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section; and the State Department of Public Health and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, each of such accounts in the Special Deposit Fund, and of the disbursements therefrom.

All moneys deposited in the Special Deposit Fund under the provisions of this section shall be available, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the State.

SEC. 7. Section 28451 is added to the Health and Safety Code, to read:

Deposit in General Fund

28451. All money received by the State Department of Public Health under the provisions of this chapter shall be paid at least once each month to the State Treasurer, and on order of the State Controller, shall be deposited in the General Fund in the State Treasury.

SEC. 8 Section 28452 is added to the Health and Safety Code, to read:

Same Exception

28452. Notwithstanding the provisions of Section 28451, the State Department of Public Health and the Department of Finance may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Public Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Public Health that all or a part of any such deposit is due the State

for payment on account of the depositor's pro-rata share of costs incurred by the State under this chapter, the amount so determined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

Transfer of funds to Special Deposit Fund

SEC. 9. Upon authorization of the State Department of Public Health and the Department of Finance pursuant to Section 28452 of the Health and Safety Code, that portion of the amount transferred to the General Fund under the provisions of subdivision (b) of Section 10 of this act that represents the unexpended balance of cash deposits paid to the State under Section 28452 of the Health and Safety Code, and not yet determined to be due the State or to be refundable to the depositor, shall, on order of the State Controller, be transferred to the Special Deposit Fund, subject to the provisions of said Section 28452.

Public Health Fund Disposition

SEC. 10. All money in the Department of Public Health Fund on July 1, 1951, shall be disposed of as follows:

(a) All money in the Department of Public Health Fund that was derived from money appropriated by the State from the General Fund for the support of the State Department of Public Health or of any division, bureau, or organization unit thereof, or the expenditure of which is administered through or under the direction of the State Department of Public Health, and transferred to the Department of Public Health Fund prior to July 1, 1951, under the provisions of subdivision (c) of Section 115 of the Health and Safety Code, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions of the act making such appropriation with respect thereto.

(b) All money in the Department of Public Health Fund that was derived from money received by the State under the provisions of Chapter 8 of Division 21 of the Health and Safety Code, or under the provisions of Chapter 428 of the Statutes of 1925, as amended, and deposited in the Department of Public Health Fund under the provisions of Section 2 of Chapter 1092 of the Statutes of 1941, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the General Fund, and shall be available for expenditure therefrom for the same purposes, and subject to the same conditions, limitations, and restrictions, for which it was available for

expenditure from the Department of Public Health Fund prior to such transfer. Public Health Fund

An amount equal to the unexpended balance of each appropriation made from the Department of Public Health Fund prior to July 1, 1951, that is available by law for the payment of expenses incurred by the State Department of Public Health in enforcing the provisions of Chapter 8 of Division 21 of the Health and Safety Code, is hereby appropriated from the General Fund for expenditure for the same purposes, and subject to the same periods of availability, as each such appropriation originally made from the Department of Public Health Fund.

(c) All money in the Department of Public Health Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Public Health Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

(d) All money in the Department of Public Health Fund that was derived from grants or donations from sources other than the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health, shall, on order of the State Controller, be transferred from the Department of Public Health Fund to the Special Deposit Fund, and shall be credited to the appropriate account in the latter fund, as provided by Section 121 of the Health and Safety Code. The amount so transferred shall be available, without regard to fiscal years, for expenditure from the Special Deposit Fund for the purposes for which it was made available under the terms and conditions of the grant or donation.

(e) All other money in the Department of Public Health Fund the disposition of which is not otherwise provided by law, shall, on order, of the State Controller, be transferred from the Department of Public Health Fund to the General Fund.

SEC. 11. The Board of Control shall provide for the transfer of the appropriation made by Item 232, Section 2 of the Budget Act of 1951 from the Department of Public Health Fund to the General Fund in accordance with Section 28 of the Budget Act of 1951. Transfer of 1951 appropriation

SEC. 12. This act shall become operative July 1, 1951. Operative date

SEC. 13. 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 State Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

This act provides for the discontinuance of the commingling of General Fund appropriations with federal moneys in a single fund for the purposes of facilitating the financial administration of the current expenses appropriated for the operations of the Department of Public Health.

CHAPTER 1262

An act to repeal Section 124 of, and to add Sections 124.1, 124.2, 124.3, and 124.4 to, the Welfare and Institutions Code, creating the Social Welfare Federal Fund and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

Repeal

SECTION 1. Section 124 of the Welfare and Institutions Code is hereby repealed.

SEC. 2. Section 124.1 is added to the Welfare and Institutions Code, to read:

Social Welfare Federal Fund

124.1. The Social Welfare Federal Fund in the State Treasury is hereby created. All grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the Department of Social Welfare, shall, on order of the State Controller, be deposited in the Social Welfare Federal Fund.

SEC. 3. Section 124.2 is added to the Welfare and Institutions Code, to read:

Appropriation

124.2. All money in the Social Welfare Federal Fund is hereby appropriated to the Department of Social Welfare, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

SEC. 4. Section 124.3 is added to the Welfare and Institutions Code, to read:

Record of income

124.3. The Department of Social Welfare and the State Controller shall keep a record of the classes and sources of income deposited in, or transferred to, the Social Welfare Federal Fund, and of the disbursements therefrom.

SEC. 5. Section 124.4 is added to the Welfare and Institutions Code, to read:

General plan of administration

124.4. The Director of Finance and the State Controller may approve any general plan whereby.

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Social Welfare Federal Fund may be paid, in the first instance, from the General Fund, and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Social Welfare Federal Fund.

Such a general plan may provide for advance transfers from the Social Welfare Federal Fund to the General Fund, based on estimates of expenditures to be made from the General Fund which will be subject to reimbursement from the Social Welfare Federal Fund pursuant to such plan, and may provide for reimbursements to the Social Welfare Federal Fund

Requests for reimbursement pursuant to such a plan shall be furnished to the State Controller in writing by the Department of Social Welfare, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

Social Welfare Fund Disposition

SEC. 6 All money in the Social Welfare Fund on July 1, 1951, shall be disposed of as follows:

(a) All money in the Social Welfare Fund that was derived from money appropriated by the State from the General Fund for the support of the Department of Social Welfare and transferred to the Social Welfare Fund prior to July 1, 1951, under the provisions of subdivision (b) of Section 124 of the Welfare and Institutions Code, shall, on order of the State Controller, be transferred from the Social Welfare Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions of the act making such appropriation, with respect thereto.

(b) All money in the Social Welfare Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the direction of the Department of Social Welfare, shall, on order of the State Controller, be transferred from the Social Welfare Fund to the Social Welfare Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

(c) All other money in the Social Welfare Fund, the disposition of which is not otherwise provided by law, shall, on order of the State Controller, be transferred from the Social Welfare Fund to the General Fund.

Operative date

SEC. 7. This act shall become operative on July 1, 1951.

Urgency

SEC. 8. 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 State Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act provides for the discontinuance of the commingling of General Fund appropriations with federal moneys in a single fund for the purpose of facilitating the financial administration of the current expenses appropriated for the operations of the Department of Social Welfare.

CHAPTER 1263

An act to amend Sections 19601, 19601.5, 19601.6, 19607, 19608, 19613, 19613.1, 19613.5, and 19613.7 of, to add Sections 19601.1, 19601.7, 19602.3, 19602.5, 19607.1, 19607.2, 19607.3, 19607.4, and 19613.8 to, and to repeal Sections 19602.5 and 19614.5 of, the Education Code, relating to child care centers, making an appropriation, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1951. Filed with Secretary of State June 30, 1951.]

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

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

Declaration

19601. The policy of the Legislature in enacting this chapter is to continue to provide until June 30, 1953, a means for meeting an emergency, existing in certain communities in the State, created by the employment of women with children, due to the increased drafting of men in the armed forces, and the extended operations increase in industries, as a result of the troubled and unsettled world conditions, without imposing additional taxes on property which the owners of such property cannot, because of the burden now imposed, be reasonably expected to bear.

Short title

This act shall be known as the "Geddes-Kraft Child Care Center Act."

SEC. 2. Section 19601.1 is added to said code, to read:

"Parent"

19601.1. As used in this chapter "parent" includes any person having legal custody of a child

SEC. 3. Section 19601.5 of said code is amended to read:

Determination of need

19601.5. The need of a parent and child for child care center service shall be determined upon the following conditions:

(a) That there is but one parent in the home who both supports and cares for the child, or

(b) That there are two parents in the home, both of whom are working, or one of whom is physically or mentally unable to either support the family or care for the child, or

(c) That either parent is a veteran of World War II attending school or receiving instruction under the Servicemen's Readjustment Act of 1944 or under Article 2, Chapter 6, Division 4 of the Military and Veterans Code, and the other parent, if any, is gainfully employed, or

(d) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public

school, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the child care center, or

(e) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the child care center, or

(f) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(g) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker where the employer shall have established facilities for use by the child care center.

The need for child care of a parent and child who come within (a) and (b) of this section shall take precedence over the need for child care of a parent, or parents, and child who come within (c) to (g), inclusive, of this section.

SEC. 4. Section 19601.6 of said code is amended to read:

Income limitations

19601.6. Except as provided in Section 19601.7, no child shall be admitted to a child care center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds three hundred dollars ($300) if there is one child in the family, three hundred fifty dollars ($350) if there are two children, four hundred dollars ($400) if there are three children, and an additional fifty dollars ($50) for each child in excess of three.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds two hundred fifty dollars ($250) if there is one child in the family, three hundred dollars ($300) if there are two children, three hundred fifty dollars ($350) if there are three children, four hundred dollars ($400) if there are four children, and an additional fifty dollars ($50) for each child in excess of four.

Except as provided in Section 19601.7 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the work week of such person is five days or more.

SEC. 5. Section 19601.7 is added to said code, to read:

Same Veterans

19601.7. If either parent is a veteran coming within (c) of Section 19601.5 and is attending school or receiving instruc-

tion for not less than half-time, or if either parent comes within (d), (e), (f), or (g) of Section 19601.5, and if the income from all sources of the child's immediate family exceeds that fixed by Section 19601.6, a child of such parent may be admitted to a child care center but the governing board of the school district maintaining the child care center shall, notwithstanding anything in Section 19607 to the contrary, charge and collect from the person having custody of the child a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision, care, and the cost of all food furnished such child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay and allowances of such men shall be included in the "total monthly income" which is the amount legally required to be made available for the support of the family by rule or regulation.

Repeal

SEC. 6. Section 19602.5 of said code is repealed.

SEC. 7. Section 19602.5 is added to said code, to read:

Accommodation of nonresident children

19602.5. Said governing board may accommodate in a child care center maintained by it children residing in another district, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

SEC. 8. 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 by the district for, or from the operation of, child care centers, including, but not limited to, all funds derived under Sections 19613.7 and 19613.8. 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, except a district tax levied under Sections 19613.6 and 19613.8, 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. 9. Section 19613.1 of said code is amended to read:

Apportionment of funds

19613.1. Any money appropriated to be apportioned by the Department of Education to school districts maintaining child care centers pursuant to this chapter, and to the governing authorities of state institutions maintaining child care centers, shall be apportioned to such school districts and governing authorities solely in accordance with the provisions of this chapter.

SEC. 10. Section 19613 of said code is amended to read:

Federal funds

19613. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct child care centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this chapter and all such funds may be accepted subject to such conditions as will further the purposes of this chapter. The State Department of Education shall

report to the Legislature at the beginning of the 1952 Budget Session its estimate of the amount necessary for the continuance of this program to its terminal date June 30, 1953, and its recommendations for the expansion or modification of the child care program.

SEC. 11. Section 19613.5 of said code is amended to read:

Termination date of state aid

19613.5. No state funds shall be expended for the operation of child care centers after June 30, 1953, and the unencumbered balance of any appropriation for child care centers shall revert to the General Fund June 30, 1953.

SEC. 12. Section 19613.7 of said code is amended to read:

Support by school districts, counties

19613.7. After June 30, 1952, if no state funds are made available for the support of child care centers, a school district or a county may provide, either jointly or severally, for the continuance of the child care centers established and maintained in such school district or county. If a county desires to undertake, partially or wholly, the support and maintenance of such child care centers, it may levy a tax to provide funds for such partial or whole support. If a county undertakes the whole support of such child care centers, it may provide for their administration by the county department of social welfare or by contract entered into with the school district in which such child care center is located, or by both. If a county undertakes the partial support of such child care centers, it may either make contributions of the proceeds of the tax levied pursuant to this section to the school districts within such county maintaining child care centers, or may use such proceeds by contributing the services of the county department of social welfare to the child care centers for purposes agreeable to the school districts maintaining such centers.

SEC. 13. Section 19613.8 is added to said code, to read:

Same
Additional facilities

19613.8. In any county or school district in which local conditions demand or make desirable the furnishing of additional services or facilities, a school district or a county may provide, either jointly or severally, for such additional services or facilities of the child care centers established and maintained in such school district or county. Any additional services or facilities furnished pursuant to this section shall meet all of the requirements of this chapter. Any county desiring to provide such additional services or facilities may levy a tax to provide funds for such purpose. Pursuant to Chapter 10 of Division 3, the governing board of any school district desiring to provide such additional services or facilities may include in its budget the amount necessary therefor and the board of supervisors shall levy a school district tax necessary to raise such amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

SEC. 14. Section 19602.3 is added to said code, to read:

Effect of absence

19602.3. Children regularly enrolled in a child care center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of report-

ing attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

Repeal

SEC. 15. Section 19614.5 of said code is repealed.

SEC. 16. Section 19607 of said code is amended to read:

Fees

19607. Said governing board shall charge and collect, in advance, from the person having custody of any child admitted to a child care center a weekly fee equal to that specified in the fee schedule prescribed by the Superintendent of Public Instruction.

It is hereby declared to be the policy of the Legislature that child care centers shall be made available first to those who have the greatest financial need, and the sliding scale of fees prepared by the Superintendent of Public Instruction shall provide for a nominal fee for children of families having a monthly income of less than one hundred fifty dollars ($150) or of less than forty dollars ($40) per member of the child's immediate family, and increasingly larger fees shall be charged for children of families having larger incomes. It is further declared to be the policy of the Legislature that so far as possible when it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule that any increase shall be made first in fees charged to those in the higher income brackets, and the rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels. It is further declared to be the policy of the Legislature that the fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

SEC. 17. Section 19607.1 is added to said code, to read:

Declaration of policy

19607.1. It is hereby declared to be the policy of the Legislature that, on a state-wide average, of the total amount of the cost for the maintenance and operation of child care centers attributable to children less than five years and nine months of age and paid for by state funds apportioned to the districts and fees collected from parents on account of such children, two-thirds of such total cost shall be paid from such state funds and one-third from such fees. Funds derived from district taxes levied under this chapter may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter.

SEC. 18. Section 19607.2 is added to said code, to read:

Fee schedule

19607.2. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school

district for the charging of fees to parents. The schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels for parents who come within the provisions of Section 19601.6. The schedule shall, together with the estimated income to be derived from fees collected from parents pursuant to Section 19601.7, provide as nearly as possible an amount equal to one-half of the state-wide average state support per hour for children less than five years nine months of age as provided in this code. The fee schedule shall be on an hourly basis, and shall be the same for all children.

SEC. 19. Section 19607.3 is added to said code, to read:

Same
Revision

19607.3. The Superintendent of Public Instruction may revise the fee schedule as necessary in order to conform with the provisions of this code. A change in the fee schedule shall become effective 15 days after notice of such change has been given by the Superintendent of Public Instruction in writing to each district maintaining a child care center.

SEC. 20. Section 19607.4 is added to said code, to read:

State-wide
average

19607.4. The state-wide average state support per hour shall be twenty-five cents ($0.25) for children less than five years nine months of age and sixteen cents ($0.16) for other children. The Superintendent of Public Instruction shall apportion state funds to the districts using said state-wide average state support as a maximum, except that if the fees collected by any district shall for any month be more or less than one-half of the state-wide average state support per hour for children less than five years nine months of age, the average state-wide state support amount shall be increased or decreased in an amount equal to the amount the fees deviate from one-half of the average state-wide state support; provided, in no event shall the state amount exceed thirty cents ($0.30) for children less than five years nine months of age or twenty cents ($0.20) for other children.

Appropriation

SEC. 21. The sum of five million four hundred fifty-six thousand eight hundred fifty-six dollars ($5,456,856) is hereby appropriated out of the General Fund in the State Treasury to the Department of Education to be used for support of child care centers until June 30, 1952, and for the cost of the department in administering this act. The department may expend not to exceed forty-four thousand dollars ($44,000) to pay its expenses in determining the need and in apportioning the sums to the school districts and state institutions.

Apportionment of funds

The department shall make apportionments to such school districts and state institutions from the money hereby appropriated on or before July 1, 1951, and on September 1, 1951, December 1, 1951, and March 1, 1952. The amount of any apportionment shall be based on estimates made by the department of the total number of children in attendance at the child care centers maintained by the school district or state institution, and the total number of hours of such attendance, for the period commencing on the date such apportionment is made

until the date for the next apportionment, or, in the case of the apportionment for March 1, 1952, until June 30, 1952. The amount of each apportionment for each school district or state institution maintaining child care centers shall be not more than the estimated amount of state aid per hour based on the computation provided for in Section 19607.3 of the Education Code, and in accordance with the estimated fees to be collected in accordance with the fee schedule as provided in Section 19607.2; provided, the apportionment shall not exceed thirty cents ($0.30) per hour for children less than five years nine months of age or twenty cents ($0.20) per hour for other children. The apportionment, except the first apportionment, for any school district or state institution shall be reduced or increased by the amount which the preceding apportionment would have been reduced or increased had such preceding apportionment been based on actual rather than estimated attendance. If the amount of the apportionment made to a school district or state institution for March 1, 1952, exceeds the amount which would have been apportioned had such apportionment been based on actual rather than estimated attendance, the school district or state institution shall repay to the department the amount of such excess from any available funds of the district or institution and such amount is a charge against such funds. Such repayment shall be made on or before July 10, 1952, and the department may use such repayments to make payments to a school district and state institution in an amount not to exceed the amount by which the apportionment to such district or institution for March 1, 1952, was less than the amount which would have been apportioned to such district or institution had such apportionment been based on actual rather than estimated attendance. Such payments shall be made on or before July 20, 1952.

Urgency

SEC. 22. 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:

To prevent the closing of established child care centers and the consequent disruption of the economic life of the State by the withdrawal from industry, essential during this troubled and unsettled time, of parents and others responsible for the care of minor children, it is necessary that public funds be made available for financial assistance to child care centers where a demonstrated need for such centers can be shown and for proper supervision of child care centers so that parents who are engaged or hereafter engage in work may have assurance of proper care for their minor children during the hours of their employment or for the proper care of children whose parents may be incapacitated by illness or other disability. It is, therefore, necessary that this act take effect immediately.

CHAPTER 1264

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 June 30, 1951. Filed with Secretary of State June 30, 1951.] In effect immediately

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

SECTION 1. The sum of one hundred sixty thousand five hundred dollars ($160,500) is hereby appropriated out of the General Fund in the State Treasury to the Department of Finance for construction, improvements and equipment to the addition to the State Capitol to be expended during the 1950-51 Fiscal Year. Appropriation State Capitol improvements, etc

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

Sufficient office space is not available in the addition to the State Capitol to provide for the needs of the Assembly. It is necessary therefore that construction and alteration work with necessary improvement and equipment be undertaken immediately in order to provide the required facilities for the Officers and Members of the Assembly.

CHAPTER 1265

An act to add Section 44.8 to the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.] In effect September 22, 1951

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

SECTION 1. Section 44.8 is added to the Vehicle Code, to read:

44.8. Authorized Emergency Vehicles Owned by State Officers or Employees. A motor vehicle owned by the State or owned by a state officer or employee, when authorized by the Commissioner of the California Highway Patrol, after certification by the head of the department, if the motor vehicle is assigned to his department, or by the State Director of Civil Defense, if the motor vehicle is assigned to the Office of Civil Defense, and when used in the performance of duties imposed upon a state officer or employee by the Civil Defense Act of 1950 and the California Disaster Act, is an authorized emergency vehicle. Whenever such vehicle is being used for purposes Authorized emergency vehicles

other than those specifically authorized herein, the siren must be disconnected and the red lights covered. Any violation of this provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

Duration

This section shall remain in effect until the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the armed forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. 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

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CHAPTER 1266

An act to increase the statutory salaries and statutory compensation of state officers and employees.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

Salary adjustments

SECTION 1. In order that all state officers and employees may be given equal salary adjustments, the salary and compensation of each employee of the State and each officer of the State, except state officers appointed by the Governor or elected by the people, whose salary or compensation is expressly fixed by statute at specific amounts, exclusive of the Constitution, is hereby increased during the months of January, 1951, to June, 1952, inclusive, in such amounts as the Director of Finance by executive order filed with the State Controller shall authorize; provided, however, that such increases shall not be in excess of, and shall be comparable with, such general salary increases as may be fixed by the State Personnel Board for state officers and employees in civil service; and provided further, that the provisions of this act shall not apply to any employee or officer of the State whose salary fixed by statute exceeds $10,000 per annum or whose salary fixed by statute has been increased by an act passed during the 1951 Regular Session of the Legislature; and provided further, where the provision for a fixed salary for any officer or employee as specified in the statute is repealed during the 1951 Regular Session of the Legislature, he, nevertheless, may upon authorization of the Director of Finance by executive order filed with the State Controller, be paid for the month of October, 1951, only, in addition to the salary otherwise provided by law, an amount equivalent to that

he would have received under the provisions of this act had the provision for such salary not been repealed.

Such amounts as may be necessary to pay the increased compensation provided for in this act shall be made available from the appropriation contained in Item 268 of the Budget Act of 1951.

CHAPTER 1267

An act to amend Section 990 of the Fish and Game Code, relating to commercial fishing licenses.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 990 of the Fish and Game Code is amended to read:

990. Every person who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take fish, mollusks or crustaceans for profit, or who brings or causes fish, mollusks, or crustaceans to be brought ashore at any point in the State for the purpose of selling the same in a fresh state, shall procure a commercial fishing license. Requirement of license

As used in this section "person" does not include partnership, corporation or association but nothing in this section prohibits any person, partnership, corporation or association from paying for a license issued to any person.

CHAPTER 1268

An act to amend Section 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 3084 of said code is amended to read:

3084. Order for Aid: Issuance: Amount: Payment. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. Order for aid Issuance, amount, payment

The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, eighty-five dollars ($85) per month. If, however, in any case it is found the actual need of an applicant exceeds eighty-five

dollars ($85) per month such applicant shall be entitled to receive aid in an amount, not to exceed eighty-five dollars ($85) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

The aid granted under this chapter shall be paid monthly, in advance, out of such funds as may be designated by the board of supervisors on warrant of the county auditor of the county. Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in any event the beginning of aid shall not antedate the date of application.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

CHAPTER 1269

An act to amend Sections 3083 and 3171 of the Welfare and Institutions Code, relating to aid to the blind, in respect to evidence of eligibility for aid.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 3083 of the Welfare and Institutions Code is amended to read:

Evidence of residence, blindness

3083. The county board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter until it has been satisfied that the applicant is entitled to such aid by the evidence of one reputable citizen of the State that he knows that the applicant has the required residential qualifications to entitle him to the aid asked for, or, in case such citizen is not available, then by such other evidence as is acceptable to the State Department of Social Welfare, and by the evidence of a duly licensed and practicing physician skilled in the diseases of the eye or of a duly licensed and practicing physician skilled in neuropsychiatry or of a duly licensed and practicing optometrist that the applicant is blind. The physician skilled in the diseases of the eye shall describe the condition of the applicant's eyes and testify to the degree of his blindness. Whenever a physician skilled in the diseases of the eye is unable to find sufficient pathology to account for the degree of visual impairment claimed by the applicant, and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neuropsychiatry,

the applicant shall have the right to be examined by a physician skilled in neuropsychiatry who shall determine whether the degree of visual impairment claimed by the applicant is substantiated by the results of a neuropsychiatric examination. The duly licensed and practicing optometrist shall testify to the degree of the applicant's blindness. The cost of such examination shall be paid entirely by the county in the same manner as other expenses of the county are paid The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the county board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

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

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

SEC. 2. Section 3471 of said code is amended to read:

Same

3471. The county board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter until it has been satisfied that the applicant is entitled to such aid by the evidence of one reputable citizen of the State that he knows that the applicant has the required residential qualifications to entitle him to the aid asked for, or, in case such citizen is not available, then by such other evidence as is acceptable to the State Department of Social Welfare, and by the evidence either of a duly licensed and practicing physician skilled in the diseases of the eye or of a duly licensed and practicing physician skilled in neuropsychiatry or of a duly licensed and practicing optometrist that the applicant is blind. The physician skilled in diseases of the eye shall describe the condition of the applicant's eyes and testify to the degree of his blindness. Whenever a physician skilled in the diseases of the eye is unable to find sufficient pathology to account for the degree of blindness claimed by the applicant and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neuropsychiatry, the applicant shall have the right to be examined by a physician skilled in neuropsychiatry who shall determine whether the degree of visual impairment claimed by the applicant is substantiated by the results of a neuropsychiatric examination. The duly licensed and practicing optometrist shall testify to the degree of the ap-

plicant's blindness. The cost of such examination shall be paid entirely by the county in the same manner as other expenses of the county are paid. The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the county board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

CHAPTER 1270

An act to add Section 25306 to the Government Code, relating to powers of boards of supervisors.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 25306 is added to the Government Code, to read:

Office space, secretary

25306. The board may rent or lease office space for the members of the board and employ a secretary at such office.

CHAPTER 1271

An act to amend Section 2248 of the Health and Safety Code, relating to compensation and expenses of board members.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 2248 of the Health and Safety Code is amended to read:

Compensation, expense

2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid In lieu of expenses the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding ten dollars ($10) per month per member for expenses incurred in attending business meetings of the board.

CHAPTER 1272

An act to amend Section 265 of the Probate Code, relating to administration of estates of missing persons.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 265 of the Probate Code is amended to read:

265. The trustee must take possession of the real and personal estate in this State of such missing person, and collect and receive the rents, income, and proceeds thereof, collect all indebtedness owing to him, and pay the expenses thereof out of the trust funds, and pay such indebtedness of the missing person as may be authorized by the court. The court may direct the trustee to pay to the person or persons constituting the family of the missing person such sum or sums of money for family expenses and support from the income or principal of the estate as it may, from time to time, determine. Duties of trustee

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CHAPTER 1273

An act to amend Section 3 of Chapter 973 of the Statutes of 1949, relating to fish.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.] In effect September 22, 1951

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

SECTION 1. Section 3 of Chapter 973 of the Statutes of 1949 is amended to read:

Sec. 3. The provisions of Sections 495 and 496 of the Fish and Game Code shall be effective until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no force or effect. Duration

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CHAPTER 1274

An act to add Section 1188.2 to the Code of Civil Procedure, relating to priority of mechanics' liens.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1188.2 is hereby added to the Code of Civil Procedure, to read:

1188.2. In the event the holder of any mortgage or deed of trust which otherwise would be inferior to the liens provided for in Articles 1 to 4, inclusive, of Chapter 2, Title 4, Part 3 of the Code of Civil Procedure, which liens arise out of a work of improvement upon the property to which the mortgage or deed of trust attaches, shall procure or cause to be procured a bond with good and sufficient sureties which complies with the requirements of this section and shall file such bond in the office of the county recorder of the county in which the property is situated either concurrently with or after the filing for record Bond to obtain priority

of such mortgage or deed of trust, then such mortgage or deed of trust shall be prior and paramount to the liens of all persons arising out of such work of improvement for work done or materials furnished subsequent to the time such bond is filed as herein provided. Such bond, upon which either the contractor or owner may be the principal, must comply with the following requirements: (1) it must be in an amount not less than seventy-five (75) percent of the face principal amount of such mortgage or deed of trust, (2) it must refer to the mortgage or deed of trust in connection with which the bond is given, and (3) it must be conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams, or power contributing to such work of improvement, and there must be incorporated in said bond a provision by its express terms making it inure to the sole benefit of any and all persons who perform labor upon, or furnish materials to be used in, or furnish appliances, teams, or power contributing to such work of improvement, so as to give such persons a right to recover upon said bond in any suit to foreclose such liens, or in a separate suit brought on said bond.

The provisions of this section shall not apply to liens provided for by Section 1184.1 of the Code of Civil Procedure, the priority of such liens being as provided by Section 1189.1 (b) of the Code of Civil Procedure.

CHAPTER 1275

An act to amend Section 1506 of the Penal Code, relating to appeals in habeas corpus cases.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 1506 of the Penal Code is amended to read:

Jurisdiction of appeal

1506. An appeal may be taken to the district court of appeal by the people from a final order of a superior court made upon the return of a writ of habeas corpus discharging a defendant after his conviction in all criminal cases, excepting criminal cases where judgment of death has been rendered, and in such cases to the Supreme Court; and in all criminal cases after conviction of the defendant where an application for a writ of habeas corpus has been heard and determined in a district court of appeal, either the defendant or the people may apply for a hearing in the Supreme Court. Such appeal shall be taken and such application for hearing in the Supreme Court shall be made in accordance with rules to be laid down by

the judicial council. If the people appeal, or petition for hearing in either the district court of appeal or the Supreme Court, the defendant shall not, in any case in which the judgment of conviction has become final, be discharged from custody pending final decision upon the appeal or petition for hearing and he must, in such cases, be retaken into custody if he has been discharged; provided, however, that in bailable cases the defendant may be admitted to bail, in the discretion of the judge, pending decision of the appeal or petition for hearing.

CHAPTER 1276

An act to amend Section 26881 of the Water Code, relating to irrigation districts.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 26881 of the Water Code is amended to read:

26881. The secretary shall give notice of the filing of an inclusion petition in the same manner and for the same time as notices of bond elections are required to be given except that in addition to publication the notice need only be posted in three public places.

Inclusion petitions, Notice of filing

CHAPTER 1277

An act to add Section 21190 to the Water Code, relating to deputies and employees of irrigation districts.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 21190 is added to the Water Code, to read:

21190. Employees of districts are permanent employees if employed to fill positions which, in the judgment of the board, normally require more than six months employment in each year. Employees employed for temporary or indefinite periods are temporary employees for any period up to six months and thereafter, unless designated as permanent employees by the board.

Permanent, temporary employees

CHAPTER 1278

An act to add Section 19215 to the Streets and Highways Code, relating to highway lighting districts.

In effect September 23, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 19215 is added to the Streets and Highways Code, to read:

Annexation petition and election

19215. If a petition, signed by 15 or more taxpayers and residents of the area sought to be annexed, but less than the number of owners representing one-fourth of the amount of assessed value of real property in that area and less than the number of owners specified in subdivision (d) of Section 19210 of this chapter, is presented to the board of supervisors, the board, if the petition for such annexation expressly requests them so to do, shall order an election within the territory sought to be annexed.

The election shall be ordered by the board of supervisors at a hearing, after establishing the boundaries. To the extent applicable, the election shall be called and conducted in the same manner as an election for formation.

If a majority of votes cast are in favor of the proposition of annexing the territory to the district, such territory shall become a part of the highway lighting district.

CHAPTER 1279

An act to repeal Sections 7354, 7653, and 7654 of the Revenue and Taxation Code and to amend Section 7403 of that code, relating to the motor vehicle fuel storage tax and to motor vehicle fuel export certificates.

In effect September 12, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

peal

SECTION 1. Section 7354 of the Revenue and Taxation Code, as enacted by Chapter 960, Statutes of 1947, and Sections 7653 and 7654 of said code are hereby repealed; provided, however, that those sections are hereby continued in full force and effect for the purpose of enforcing any liability imposed thereunder.

SEC. 2. Section 7403 of the Revenue and Taxation Code is amended to read:

ort ficate: ection.

7403. All export certificates shall be completed and be on file in the office of the board within 90 days after the close

CHAPTER 1280

An act to amend Sections 3017, 3018 and 3019 of the Civil Code, relating to the assignment of accounts receivable and giving notice thereof.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 3017 of the Civil Code is amended to read:

3017. In this chapter:

Definitions

(1) "Account" means an open book account, mutual account, or account stated, due or to become due, carried in the regular course of business and not represented by a judgment, note, draft, acceptance, or other instrument for the payment of money; it includes rights under an unperformed contract for work, goods or services which in the regular course will result in an open book account.

(2) "Assignment" shall include any transfer, pledge, mortgage or sale.

(3) "Creditor" means a person having any claim, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(4) "Debt" means the indebtedness owing on an account.

(5) "Debtor" means any person by whom an account is owing to the assignor.

(6) "Filing officer" means the county recorder of the county in which the assignor has its chief place of business within this State, or if the assignor has no place of business within this State then the county recorder of the county in which the assignor resides.

(7) "Value" means any consideration sufficient to support a simple contract, including an antecedent debt or liability where an account is taken in satisfaction thereof or as security therefor.

SEC. 2. Section 3018 of the Civil Code is amended to read as follows:

Assignment: Priority

3018. An assignment of an account is entitled to priority over any subsequent assignment of the same account; provided, that as between two or more assignees who receive written assignments for value without notice, the assignee whose notice of assignment or of intention to assign, is first filed as provided in this chapter is entitled to priority over all other assignees of the same account.

Except as to any credit extended by a creditor after the notice provided for in this chapter is filed, an assignment of an account shall be invalid as against any creditor of the assignor without actual notice unless notice of or of intention to make the assignment as provided for in this chapter is filed at the time of or before the execution of the assignment or within five days thereafter.

A debtor, irrespective of the provisions of this chapter, until notified by the assignor or the assignee not to do so, may pay or otherwise deal in good faith with the assignor, his agent for collection, or any person who has succeeded to the assignor's interest, and shall have as against the assignee, any right of set-off, counterclaim or defense against such assignor or person existing in his favor at the time he is so notified.

SEC. 2. Section 3019 of said code is amended to read:

Notice of assignment Contents, filing

3019. Notice of an assignment or of intention to assign an account or accounts may be filed in the office of the filing officer. Such notice shall not be effective unless:

1. The assignment shall be in writing and shall be signed by the assignor, and

2. The assignment, if it assigns accounts to arise in the future, gives the general nature of the business out of which such accounts are to arise and the address where such business is or will be carried on, and

The notice is signed by the assignor and assignee and contains a designation of the assignor and the assignee, and of the chief place of business of each within this State, if any, and if either of them has no place of business within the State, a designation of his residence or chief place of business outside the State and a designation of the general nature of the business out of which such accounts arise; and, either

(a) A statement that the assignor intends to assign or has assigned an account or accounts then existing or thereafter arising to the assignee, or

(b) A statement that the assignor intends to assign or has assigned certain specified accounts in which event the statement may contain:

(1) A list of the accounts so to be assigned, setting forth the amount of each such account and the names and addresses of the persons owing the same; and

(2) If such accounts are to be assigned as collateral security for a specific obligation, a declaration to that effect, and a statement of the amount of such obligation.

CHAPTER 1281

An act to amend Section 21189 of the Water Code, relating to contracts of group insurance or a system of group annuities in irrigation districts.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 21189 of the Water Code is amended to read:

Group insurance, annuities

21189. The board may adopt and carry into effect a contract or contracts of group insurance or a system of group annui-

ties, or both, for the benefit of such of the officers and employees of the district as accept the same and who have authorized the board to make deductions from their compensation for the payment of a portion of the premiums thereon. Contracts of group insurance or systems of group annuities which include benefits to dependents of officers and employees are contracts of group insurance or systems of group annuities for the benefit of officers and employees for the purposes of this section. The board may make such deductions, and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portion of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for a contract or contracts of group insurance or a system of group annuities, or both, with any public agency or any insurance company or agent authorized by or pursuant to law to transact such business within this State. Nothing in this section shall be construed to limit the provisions of Chapter 250, Statutes of 1939, or of Section 1157 of the Government Code insofar as such provisions apply to districts and officers and employees thereof.

CHAPTER 1282

An act to add Section 15002.5 to the Government Code, and to amend Section 11103 of the Health and Safety Code, relating to the organization of the Department of Justice and its constituent agencies.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 15002.5 is added to the Government Code, to read:

15002.5. The Attorney General may arrange and classify the work of the Department of Justice, and consolidate, abolish, or create divisions, bureaus, branches, sections or units within the department. Any statutory or other reference to the Office of the Attorney General, the State Bureau of Criminal Identification and Investigation, and the Division of Narcotic Enforcement shall be construed to refer to the division, bureau, branch, section or unit within the department which is performing the functions referred to; and no such function shall be abolished without express statutory authority.

Organization by Attorney General

SEC. 2. Section 11103 of the Health and Safety Code is amended to read:

11103. The Attorney General may, in conformity with the State Civil Service Act, employ such inspectors, chemists, clerical, and other employees as are necessary for the conduct of the affairs of the Division of Narcotic Enforcement. Two of the inspectors shall be registered licentiates in pharmacy.

Narcotic experts

CHAPTER 1283

An act to add Sections 14258.5, 14258.6, 14813 and 14814 to, to amend Sections 14540 and 14811 of, and to repeal Sections 14008, 14541, 14542, 14543, 14544, 14545, 14546, 14547, 14810, and 14812 of the Health and Safety Code, relating to fire protection districts.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 14258.5 is added to the Health and Safety Code, to read:

Inclusion of area in city

14258.5. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district.

SEC. 2. Section 14258.6 is added to said code, to read:

Same Division of property, funds

14258.6. Upon the withdrawal of any territory of a district included within a city all property required for the district and all funds remaining on hand on the date of withdrawal shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. All taxes collected by the district after the date of withdrawal on real property so withdrawn shall be paid over to the city.

SEC. 3. Section 14540 of said code is amended to read:

Inclusion of area in city

14540. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district.

Repeal

SEC. 4. Sections 14008, 14541, 14542, 14543, 14544, 14545, 14546, 14547, 14810, and 14812 of said code are hereby repealed.

SEC. 5. Section 14811 of said code is amended to read:

Petition for exclusion

14811. Persons Entitled to File Petition. Property owners of the incorporated portion of the district, whose names appear upon the last preceding assessment roll of the county or city within which the incorporated portion of the district is located, owning or representing more than one-half in value of the assessed real property in the incorporated portion of the district, or owning or representing more than one-half in value of the assessed real property within the incorporated portion of the district owned by its residents, may file a verified petition with the board of supervisors, requesting that the area within the city may be excluded from the district.

SEC. 6. Section 14813 is added to the Health and Safety Code, to read:

Inclusion of area in city

14813. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district.

SEC. 7. Section 14814 is added to the Health and Safety Code, to read:

Same Division of property, funds

14814. Upon the withdrawal of any territory of a district included within a city all property required for the district and

all funds remaining on hand on the date of withdrawal shall be divided between the city and the remaining district in proportion to the assessed value of the real property of the territory so withdrawn and the portion remaining. All taxes collected by the district after the date of withdrawal on real property so withdrawn shall be paid over to the city.

Exemption

SEC. 8. Section 4 of this act shall not be operative with respect to portions of fire protection district territory included within cities by annexations or incorporations completed prior to the effective date of this act.

CHAPTER 1284

An act to add Section 12516 to the Business and Professions Code, relating to weighing of livestock.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 12516 is added to the Business and Professions Code, to read:

Visibility of scale indications

12516. Any person auctioning livestock for sale by weight shall locate the weighing device upon which said livestock is weighed so that during the weighing process the scale indications will be readily and clearly visible.

CHAPTER 1285

An act to add Chapter 9 to Part 3, Division 13 of the Health and Safety Code, relating to building regulations.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

In effect September 22, 1951

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

SECTION 1. Chapter 9 is added to Part 3, Division 13 of the Health and Safety Code, to read:

CHAPTER 9. LOCAL BUILDING REGULATIONS

Application, effect of building regulations

19825. (a) The provisions of Part 1 of this division and of Chapter 1, Chapter 2 and Chapter 3 of Part 3 of this division relating to design, construction, reconstruction, movement, conversion or alteration of buildings shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; provided, however, such provisions of Part 1 of this division, which are presently applicable to buildings erected

prior to the adoption of a local ordinance, shall apply to such buildings.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapters 3 and 4 of Part 1 of this division or a reduction in the maintenance, sanitation or occupancy provisions of Part 1 of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force and effect and so notifies the state department presently charged with enforcement of the provisions of this division if a state department be so charged.

CHAPTER 1286

An act to add Section 25465 to the Government Code, relating to contracts for public works.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 25465 is added to the Government Code, to read:

Exemption Juvenile facilities

25465. The provisions of this article shall not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes established under Articles 12 or 13 of Chapter 2, Part 1, Division 2 of the Welfare and Institutions Code and operated jointly by two or more counties, if the cost of construction of such building, including the cost of materials used therein, does not exceed ten thousand dollars ($10,000), and if a major portion of the construction work is to be performed by wards of the juvenile court assigned to such camps or homes.

CHAPTER 1287

An act to amend Section 5804 of the Labor Code, relating to workmen's compensation awards.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 2, 1951.]

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

SECTION 1. Section 5804 of the Labor Code is amended to read:

Rescission, etc., of award

5804. No award of compensation shall be rescinded, altered, or amended after five years from the date of the injury. Provided, however, that after an award has been made finding that there was employment and the time to petition for a rehear-

ing or reconsideration or review has expired or such petition if made has been determined, the commission upon a petition to reopen shall not have the power to find that there was no employment.

CHAPTER 1288

An act to amend Section 1201.9 of the Fish and Game Code, relating to pheasant license tags.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1201.9 of the Fish and Game Code is amended to read:

1201.9. The holder of pheasant license tags must carry said tags while hunting pheasants, and upon the taking of any pheasant shall immediately punch out the date of kill on one of said tags and attach said punched tag around the leg of such pheasant; such tag must remain attached to said pheasant while being transported and until prepared for consumption. Pheasant tags

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CHAPTER 1289

An act to add Sections 99 to 106, inclusive, to the Drainage District Act of 1903, relating to the dissolution of drainage districts. Stats 1903, p 291 amended

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Sections 99 to 106, inclusive, are added to the act cited in the title, to read:

Sec. 99. A drainage district may be dissolved in the manner hereinafter provided. Authority to dissolve

Sec. 100. Upon the filing of a petition with the board of directors of the district, signed by a majority of the holders of title or evidence of title to lands within the district, the board shall submit the question of dissolution of the district, to the voters thereof. The qualifications of voters for such election shall be as established by Section 7 hereof. Petition

Sec. 101. The question of dissolution may be submitted at the general district election or at a special election called for that purpose. Notice of any such special election shall be given and said election called and conducted in accordance with Sections 19, 20, 21, 23, and 24 hereof insofar as the same are applicable. Election

Same Date

Sec. 102. The question of dissolution must be submitted at an election not later than the ninetieth day after the filing of the petition with the board.

Resolution to dissolve

Sec. 103. If a majority of the votes cast at such election are in favor of dissolution, the board shall, by resolution, dissolve the district.

Same Filing

Sec. 104. The board shall cause a certified copy of the resolution dissolving the district to be recorded in the office of the county recorder of the county in which the district is located, and shall file a certified copy of the same with the Secretary of State. Thereupon the district shall be deemed dissolved.

Disposition of district property

Sec. 105. Upon dissolution, the right, title, and interest to property owned or controlled by the district, and any funds owned by the district, shall vest absolutely in the county in which the district is located.

Governing body of dissolved district

Sec. 106. The board of supervisors of the county in which such district is located is hereby constituted ex officio the governing body of any dissolved district, and it may levy and collect such taxes and assessments and perform such other acts as may be necessary to wind up the affairs of the district. If at the time of dissolution there is any outstanding bonded or other indebtedness, the board of supervisors shall levy and collect such taxes and assessments as may be necessary to pay the bonded or other indebtedness, in the same manner as if the district had not been dissolved; and all real property in the dissolved district shall remain subject to the lien of any bonds issued pursuant to this act.

CHAPTER 1290

An act to amend Sections 13122 and 13144 of the Health and Safety Code, relating to the duties of the State Fire Marshal.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

SECTION 1. Section 13122 of the Health and Safety Code is amended to read:

Flame retardants

13122. The State Fire Marshal shall promulgate and make available at cost of printing at least once each year a list of the flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns approved by him. He may, without cost, furnish a single copy of such list to each flame-retardant chemical and application concern that is registered and approved by him and to all California fire officials.

SEC. 2. Section 13144 of said code is amended to read:

Excerpts of laws, rules, regulations, etc.

13144. The State Fire Marshal shall prepare in book or bulletin form excerpts of the laws, rules, and regulations deal-

ing with fire and panic safety and may make single copies of such laws, rules, and regulations available, without cost, to California fire officials and to owners and managers of establishments governed by such laws, rules, and regulations.

CHAPTER 1291

An act to amend Section 1550 of the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1550 of the Welfare and Institutions Code is amended to read:

1550. Except as provided in Section 1557 of this code, application for aid in behalf of any child shall be made to the county in which he is living at the time of application. The county shall promptly investigate all applications in the manner and on forms prescribed by the State Department of Social Welfare. The county shall approve or deny such application. If the investigation is not completed within 60 days, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which eligibility is established or as of the first day of the month following the end of the 60-day period, whichever is earlier. Application to county investigation

CHAPTER 1292

An act to repeal Section 1367 of the Fish and Game Code, relating to commercial hunting clubs.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1367 of the Fish and Game Code is repealed. Repeal

CHAPTER 1293

An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 2020 of the Welfare and Institutions Code is amended to read:

Maximum aid

2020. Amount of aid allowed. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, seventy-five dollars ($75) per month. If, however, in any case it is found the actual need of an applicant exceeds seventy-five dollars ($75) per month, such applicant shall be entitled to receive aid in an amount, not to exceed seventy-five dollars ($75) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

CHAPTER 1294

An act to amend Section 28110 of the Government Code, relating to compensation for public services for counties.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

SECTION 1. Section 28110 of the Government Code is amended to read:

San Mateo County officers Salaries

28110. In a county of the tenth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office four thousand eight hundred dollars ($4,800) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. When a supervisor is also road commissioner he shall receive the amounts allowed by law and his actual traveling expenses. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Each grand juror and trial juror in the superior court shall receive for each day's attendance, three dollars ($3) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1295

An act to amend Section 79.20 of the Code of Civil Procedure, relating to compensation for public service in counties.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 79 20 of the Code of Civil Procedure is amended to read:

79 20. The annual salary of the judge of the Superior Court in and for the County of Madera is thirteen thousand five hundred dollars ($13,500). Madera County judge Salary

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CHAPTER 1296

An act to amend Sections 2, 3, 4, 5, 8, 13, 14, 20, 30, 33, 35, and 38 of, and to add Section 3a to, the Municipal and Justice Court Act of 1949, relating to municipal and justice courts. Stats 1949, p 2681, amended

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.] In effect September 22, 1951

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

SECTION 1. Section 2 of the Municipal and Justice Court Act of 1949 is amended to read:

Sec. 2. On January 1, 1952, and thereafter upon the establishment of a municipal or justice court, the judges or justices of existing courts inferior to the superior court in any city, township or judicial subdivision situated in whole or in part within the district or city and county for which a municipal or justice court is established shall, if eligible, become and be the judges of such municipal or justice court until the election or appointment and qualification of their successors as hereinafter provided. If, however, the number of incumbent judges or justices who are eligible to become judges of a municipal or justice court and who have not by written statement filed with the county clerk on or before December 30, 1951, disclaimed their desire to succeed to office exceeds the number of judicial offices provided by law for such municipal or justice court, said incumbents shall not automatically succeed to judicial positions in the municipal or justice court, and the existing courts shall continue to function within the district until the first judge or judges of said municipal or justice court shall be elected by the qualified electors of the district at the first general state election held following the expiration of 90 days and qualify. Succession of judges and justices of municipal and justice courts

Whenever the judge or justice of an existing court would be entitled under the provisions of this act to become the judge

of more than one court, he shall, by written statement filed with the county clerk on or before December 30, 1951, elect the judicial office to which he will assert his claim of eligibility. Failure to file such a statement shall be deemed an election by the judge or justice to assert his claim of eligibility to office in the court of the district wherein the existing court is located.

SEC. 2. Section 3 of said act is amended to read:

Succession of municipal court personnel

Stats 1925, p 648

Sec. 3. On January 1, 1952, notwithstanding anything in this act to the contrary, the judges, officers and attaches of a municipal court heretofore established under the Municipal Court Act of 1925 shall become and be the judges, officers and attaches of the municipal court established for the city and county or district embracing the city wherein they were elected or appointed to serve until the election or appointment and qualification of their successors as hereinafter provided.

If there be annexed to a district or city wherein a municipal court is established and functioning, territory in which another court or courts inferior to the superior court are established, such other court or courts shall, on January 1, 1952, and thereafter upon any such annexation, cease to exist in the territory so annexed; and, if an additional judicial office or offices have been provided by law for the municipal court by reason of annexation of territory or increase in population, the incumbent judges or justices of the court or courts superseded in whole or in part shall, if qualified, automatically succeed to the additional judicial position or positions in said municipal court until the election or appointment and qualification of their successors as hereinafter provided. If, however, the number of qualified incumbent judges or justices of existing courts in the territory so annexed exceeds the number of additional judicial offices provided for said municipal court, said incumbents shall not automatically succeed to such additional offices, and the existing courts shall continue to function within the annexed territory until the first judge or judges shall be elected to the additional judicial position or positions in the municipal court at the first general state election held following the expiration of 90 days and qualify.

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

Abolishment of superseded courts

Sec. 3a. Whenever a municipal court is established in a district wherein a justice court was previously established or in a district formed from territory formerly included in justice court districts, the justice court or courts shall cease to exist within the district for which the municipal court is established, and the term of office of the judge or judges of justice courts situated wholly within such district shall terminate, upon the selection and qualification of the first judge or judges of the municipal court, which selection shall be made in the manner provided in Section 2 of this act.

SEC. 4. Section 4 of the Municipal and Justice Court Act of 1949 is amended to read:

Succession of personnel of superseded courts

Sec. 4. The clerk, or chief clerical officer by whatever name known, his deputies and other attaches in his office, the

marshal or constable, or similar official, his deputies and attaches, and all other officers or employees of each court superseded in whole or in part by a municipal or justice court, shall become the clerk, his deputies and attaches, the marshal or constable, his deputies and attaches, and officers or employees of such municipal or justice court upon its organization, so far as such positions are provided by law. The judge or justice of an existing court who does not succeed to judicial office shall be deemed to be a clerk or chief clerical officer within the meaning of this section.

All such persons shall be deemed to be appointed upon the organization of the court and to have met all of the requirements for appointment to permanent positions as hereinafter provided and shall be removed only for the causes and in the manner provided for the removal of officers and attaches; provided, that when a constable who has been elected becomes a marshal, he shall continue in office until his successor is elected and qualifies, and in such cases the marshal shall be elected by the electors of the judicial district at the general state election for a term of six years from and including the first Monday in January after the first day of January next succeeding his election; provided, however, that the first election of marshals under this act shall take place at the general state election held in the year 1954; provided, further, that any police officer appointed and acting as bailiff in any court superseded by a municipal or justice court shall be deemed to be appointed ex officio a deputy marshal or deputy constable subject to the same conditions under which he shall have been first appointed, without prejudice, however, to his rights by virtue of his employment as such police officer; provided, also, that in any city or city and county having a consolidated city and county government, the sheriff of the city and county and his deputies shall be ex officio the marshal and deputy marshals of the municipal court and shall perform all the duties imposed and exercise all the powers conferred upon the marshal and deputy marshals of the municipal court; and provided further, that persons succeeding hereunder to the office of constable of a justice court shall continue in office until their successors are elected or appointed and qualify as hereafter provided.

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

Determination of conflicts

Sec. 5. If it appears that two or more clerks, marshals or constables, deputies and other officers or attaches are equally entitled by virtue of the office held in any superseded court, to any one office in the municipal or justice court, the judge or a majority of the judges or the judge senior in service when there is an equal division of the judges shall determine which person is entitled to the office in which the conflict exists, except that if the office in which the conflict exists is that of constable of a justice court, the board of supervisors of the county in which the court is situated shall determine which person is entitled to said office.

Upon the organization of the court, the clerks, deputies and attaches or employees of the superseded court or courts shall be assigned, as far as practical, to positions in the municipal or justice court similar in duties and compensation to the positions held in any such superseded court. Every person who succeeds to any office or position in the municipal or justice court by virtue of any of the provisions of this act shall be entitled to all of the benefits and privileges, not inconsistent herewith, which attached to such person by virtue of his office or position in any superseded court.

Whenever a special assignment or branch of work is indicated for a particular deputy or position in the clerk's or marshal's office, except that of custodian, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. In order to equalize the work of the office of the clerk or marshal and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk, deputy marshal or attache to perform such service as may be directed by the clerk or marshal, whether the work so directed to be done be within the scope of the special designation or not.

SEC. 6. Section 8 of said act is amended to read:

Election of municipal, justice judges

SEC. 8. Except where hereinafter otherwise provided, judges of the municipal court and justice court shall be elected at the general state election; provided, however, that the first election of judges under this act shall take place at the general state election held in the year 1952. There shall be elected at said election in 1952 successors to judges of a municipal or justice court who automatically succeeded to offices under the provisions of this act, except so far as other provision is made herein for judges who were incumbents of a municipal court established under the Municipal Court Act of 1925, and the first judge or judges of a municipal or justice court in which there was no automatic succession to office.

The provisions of the Elections Code respecting the nomination and election of judicial officers are applicable to the judges of municipal and justice courts. No judge shall be deemed to have qualified before the date fixed for the commencement of his term of office.

The term of office of judges of municipal and justice courts shall be six years from and including the first Monday of January after the first day of January next succeeding their election. Judges shall hold office until their successors are elected and qualify, but the office shall be deemed to be vacant upon the expiration of the fixed term for the purpose of selecting a successor.

Nothing in this act shall affect the term of office of any incumbent judge of a municipal court heretofore established pursuant to the provisions of the Municipal Court Act of 1925, and if the time fixed for the election of his successor is at a time when no general state election is held, such judge shall continue to hold office until his successor has been elected and qualifies,

said election to be held at the general state election next succeeding the expiration of his term.

SEC. 7. Section 13 of said act is amended to read:

Sec. 13. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be electors of the judicial district or city and county in which they are elected or appointed; provided, that this requirement shall not affect the right of any person to automatically succeed to an office or position under Sections 2, 3, and 4 of this act; and provided further, that this requirement shall not affect the right of any person to be and act as constable in any county governed by a freeholders' charter which provides that constables shall be appointed by the sheriff, or shall be ex officio deputy sheriffs. Qualifications

No person shall be eligible to the office of judge of a justice court unless he either has been admitted to practice before the Supreme Court of this State or has passed a qualifying examination under regulations prescribed by the Judicial Council; provided, that this requirement shall not apply to the incumbent of a superseded inferior court who succeeds to the office of judge of a justice court or is elected thereto at the first election of judges under this act or who seeks re-election to such office.

SEC. 8. Section 14 of said act is amended to read:

Sec. 14. The clerk of the court, his deputies and attaches, the marshal and his deputies and attaches, and other appointive officers or attaches of the court who were appointed from civil service lists or who are entitled to the rights and privileges of one so appointed under the provisions of this act or other law shall hold office during good behavior and may be discharged by the appointing authority only for the good of the service. The reasons for the discharge shall be filed with the secretary of the court, or if there be no secretary of the court, with the clerk of the court, at least 10 days before the discharge shall be effective. Upon the filing of the reasons, the person proposed to be discharged may be suspended from duty either with or without pay, pending his final discharge. The person against whom charges have been filed may within 10 days file his reply thereto. At the end of the 10 days the person shall be either reinstated or discharged unless an additional time for investigation is desired by the appointing officer. The determination of the appointing authority to discharge the person against whom charges have been filed shall be final and conclusive, except that nothing herein contained shall limit the right of any person to the benefits of the civil service provisions of the charter of the county or city and county wherein any such court is situated, or of the rules of the civil service commission having jurisdiction of such person, respecting suspensions and dismissals. Appointees

The clerk or marshal of a municipal court shall have the power to lay off and suspend a deputy or employee or deputies and employees because of lack of work requiring the service of existing personnel of the office or department. The clerk or marshal may also require a deputy or employee or deputies or employees to work temporarily in the office of clerk or marshal of

another municipal court situated in the same county if a request for assistance has been made by such other court. The temporary assignment of a deputy or employee to the clerk's office or marshal's office of another municipal court shall not affect his compensation, except as provided in Section 32 of this act.

SEC. 9. Section 20 of said act is amended to read:

Duties of marshals, constables

Sec. 20. Marshals and constables shall attend all municipal and justice courts of the district in which they are appointed or elected to act whenever so required, and within their counties shall execute, serve and return all writs, processes and notices directed or delivered to them by municipal and justice courts or by other competent authority. A constable of a justice court, or a marshal of a municipal court who is authorized by law to appoint not more than four deputies, shall not be required to travel outside of his district to serve any civil process or notice.

All provisions of Government Code Sections 26600-26602, 26604, 26606-26609, 26611, 26660-26664, 26680-26684, 26686, and Political Code Sections 4166, 4168-9, 4171, apply to marshals and constables and govern their powers, duties and liabilities.

SEC. 10. Section 30 of said act is amended to read:

Municipal court personnel

Sec. 30. Each municipal court shall have such number of judges, officers and attaches, who shall receive such compensation, as the Legislature may provide.

Whenever provision is made by law for annual increments in the salary of an officer or attache of a municipal court, such annual increments shall be dependent upon the employee maintaining the minimum efficiency rating designated by the appointing authority and at any time the efficiency rating falls below the minimum standard the appointing authority shall have the power to suspend all or any part of the annual increments.

SEC. 11. Section 33 of said act is amended to read:

Same Expenses

Sec. 33. The marshals, assistants and deputies of municipal courts, except those designated as custodians, shall be allowed, in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses. At the option of the county board of supervisors, they may be furnished with automobiles at public expense or allowed traveling expenses at the rate per mile fixed by the board of supervisors for the operation of automobiles actually used in performance of their duty on public business or paid for such other method of transportation as they may adopt.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of funds deposited by the parties to the action in which such services are rendered.

SEC. 12. Section 35 of said act is amended to read:

Same Temporary appointments

Sec. 35. If an increase in business of any municipal court, or other emergency, shall require a greater number of em-

ployees for the prompt and faithful discharge of the business of such court than the number expressly provided by law, or shall require the performance of duties of positions in the lowest salary bracket where all such positions have been filled, the clerk or the marshal of such court, or both, as the occasion may require, may, with the approval of the judge or judges, appoint as many additional deputies as will enable them to promptly and faithfully discharge the duties of their respective offices.

Such additional deputies shall be selected in the same manner as those for whom express provision is made, and they shall receive compensation from the same source and in the same amount as the lowest salary provided by law for the position of deputy clerk or deputy marshal of such court, respectively, but may hold office by virtue of such appointment not longer than ninety (90) days after the adjournment of the next regular session of the Legislature. No deputy so temporarily appointed shall be eligible for reappointment under the provisions of this section.

SEC. 13. Section 38 of said act is amended to read:

Marshal, constable, deputies Retirement benefits.

Sec. 38. In addition to the salaries, compensation and allowances provided, there shall be allowed to the marshal, constable, deputy marshals, and deputy constables the privilege and right to a pension or retirement annuity in the same manner and in the same amount and under the same terms and conditions as may have been or may be provided by law for county and township peace officers; provided, however, that no deputy marshal or constable shall be entitled to such pension or annuity unless he shall be actively employed in the performance of duties as deputy marshal or constable, and other employees, such as clerks, bookkeepers, stenographers or persons who may be appointed deputy marshal or constable but who do not perform the duties of such office, and persons holding honorary appointments as deputies but who receive no compensation therefor and who do not regularly perform official duties, shall not be included. The purpose of this provision is to recognize a public obligation to such marshal, constable, deputy marshals and deputy constables whose duties expose them to more than ordinary risk and this provision is designed to provide an additional element of compensation in consideration for the duties performed by such persons.

Where there has been established or may be established a county and township peace officers' retirement or pension system, the marshal, constable, deputy marshals and deputy constables, as above defined, shall be included in such system and shall, for the purpose of carrying out this provision and enabling such municipal and justice court officers to benefit thereby, be deemed to be county employees for this purpose and the pension therein provided and payable to the marshal, constable, deputy marshals and deputy constables as herein provided shall be a legal charge against the county, subject to the provision of such county and township peace officers' retirement or pension system.

Retirement benefits

In computing the length of service of any person entitled to the benefits of a pension or retirement annuity as herein provided, there shall be counted the time such person may have served in a similar capacity with regard to his duties as an officer of any superseded court in said county, or that he may have served as a peace officer, as defined in such county and township peace officers' pension or retirement act in such county; provided, however, that such service must be continuous service as provided in such county or township peace officers' pension or retirement act.

The retirement annuity or pension provided by this section shall be granted to the persons therein designated only in the event that in the county where such municipal or justice court is located there shall have been established or provided, or shall be established or provided, a retirement annuity or pension for county and township peace officers who perform duties of the same character as those performed by the marshal, constable, deputy marshals and deputy constables.

CHAPTER 1297

An act to amend Sections 8561, 8569, and 8570 of, and to add Sections 8516, 8517, and 8652 to, the Business and Professions Code, relating to the discipline of licensees of the Structural Pest Control Board.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

SECTION 1. Section 8561 of the Business and Professions Code is amended to read:

Qualifications of pest control operators

8561. Any person may apply for an operator's license:

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

(b) If the applicant is a partnership, it shall designate a partner to be licensed and such partner shall possess the qualifications and be examined as hereinafter prescribed. If such partner qualifies for an operator's license as herein prescribed, the board shall issue an operator's license to the partnership, naming therein the partner licensed with the partnership. Such partner may engage in pest control on behalf of the partnership only, so long as he remains a partner thereof, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than as a qualifying partner, operator, or officer.

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be licensed. Such officer

or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such officer or responsible natural person qualifies for an operator's license as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be, naming therein the officer or responsible natural person licensed with such association or corporation. Such officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he remains in such capacity for the association or corporation, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, operator, or partner.

SEC. 2. Section 8569 of said code is amended to read:

Partnership operation

8569. In addition to the partner licensed as operator upon the application of the partnership, if other partners desire to actively engage in pest control in behalf of the partnership each shall be required to qualify for and to be licensed as an operator.

Upon being licensed as an operator, such other partner may engage in pest control only on behalf of the partnership of which he is a member, as long as he remains a partner thereof, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than as a qualifying partner, operator, or officer.

SEC. 3. Section 8570 of said code is amended to read:

Corporation operation

8570. In addition to the officer of, or responsible natural person employed by an association or corporation licensed as operator upon the application of the association or corporation, if any other officers desire to actively engage in pest control in behalf of the association or corporation, each shall be required to qualify for and to be licensed as an operator.

Upon being licensed as an operator, such officer may engage in pest control only on behalf of the association or corporation of which he is an officer, so long as he remains an officer thereof, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, operator, or partner.

SEC. 4. Section 8516 is added to said code, to read:

Wood destroying pests or organisms

8516. (a) The provisions of this section shall apply only to wood destroying pests or organisms.

(b) No licensee shall commence work on a contract, or sign, issue or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made. A written inspection report conforming to this section shall be prepared and delivered to the person requesting the inspection or his designated agent before the work is completed. When an inspection is made and a report is issued, the following shall be set forth in the report:

1. The date of the inspection.
2. The name of the person or firm ordering the report.

3. The address or location of the property.

4. A general description of the building or premises inspected.

5. A foundation diagram or sketch of the structure or structures or portions of such structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions exist which would ordinarily subject such parts to attack by wood destroying pests or organisms.

6 Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces or other parts subject to attack by wood destroying pests or organisms Conditions usually deemed likely to lead to infestation or infection, such as earth contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions and insufficient ventilation are to be reported.

7. Indication or description of any areas normally subject to damage which are inaccessible or for other reason not inspected, with suggestion for further inspection if practicable. If, after the report has been made in compliance with the provisions of this section, authority is given later to open inaccessible areas, a supplementary report on conditions in these areas shall be made.

8. Recommendations for corrective measures.

(c) Such report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect.

(d) Control service is defined as the regular reinspection of a property after a report has been made in compliance with the provisions of this section and such corrections as have been agreed upon have been completed. Under a control service agreement a licensee shall refer to the original report and contract in such manner as to identify them clearly, and said report shall be assumed to be a true report of conditions as originally issued, except as it may be modified after a control service inspection. A licensee is not required to issue a report as outlined in subsections 1 to 8 inclusive after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by such contract.

SEC. 5. Section 8517 is added to said code, to read:

Required reference

8517. Any work contract, billing, agreement, letter of work completed, or other correspondence or document expressing an opinion or making a statement relating to the presence or absence of wood destroying pests or organisms, except a Control Service Report, shall refer to the report defined in subsections 1 to 8 inclusive of Section 8516. Such documents shall indicate specifically whether all of the recommended work as set

forth in the inspection report was completed, or if not, it shall indicate specifically which recommendations were not completed.

SEC. 6. Section 8652 is added to said code, to read:

Failure to record, etc Penalty

8652. Failure of an operator to make and keep all inspection reports, contracts, documents, and records, for a period of not less than two years after completion of any work or operation for the control of wood destroying pests or organisms, is a ground for disciplinary action. Only records pertinent to a complaint shall be made available to the Registrar during business hours.

CHAPTER 1298

An act to amend Section 929 of the Fish and Game Code, relating to the use of nets in Fish and Game District 118.5

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 929 of the Fish and Game Code is amended to read:

Restricted use of nets

929. In District 118.5, nets may not be used within one-half nautical mile radius of any pier or dock.

CHAPTER 1299

An act to amend Section 28135 of the Government Code, relating to compensation for public services in counties of the thirty-fifth class.

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28135 of the Government Code is amended to read:

Shasta County officers Salaries

28135. In a county of the thirty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand eight hundred dollars ($4,800) a year, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of the county.

(b) The district attorney, five thousand four hundred ($5,400) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents

($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

(d) Grand jurors in grand jury duty shall receive six dollars ($6), and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and grand jurors and trial jurors shall receive ten cents ($0.10) for each mile necessarily traveled in attendance. In justices' courts the jurors shall receive five dollars ($5) for each day's attendance and ten cents ($0.10) for each mile necessarily traveled in attendance.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1300

An act to authorize the exchange by the State Park Commission, with the approval of the Director of Finance, of certain real property in the County of San Mateo.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

Exchange of easement for trail

SECTION 1. The State Park Commission, with the approval of the Director of Finance, is hereby authorized to grant and convey that certain easement and right of way heretofore conveyed to the State for use as a riding and hiking trail under, upon, over and across those certain lands in the County of San Mateo described in a deed recorded in Book 1143, page 429, Official Records, San Mateo County, California, in exchange for a similar easement and right of way at a different location across the lands so described.

CHAPTER 1301

An act to add Section 261j to the Code of Civil Procedure, relating to phonographic reporters.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

SECTION 1. Section 261j is added to the Code of Civil Procedure, to read:

261j. In each county, or city and county having a population of more than 295,000 and less than 500,000 inhabitants, as determined by the 1950 federal census, the board of supervisors may by resolution adopt the following procedure for the appointment and compensation of official phonographic reporters. Contra Costa County Phonographic reporters

The judges of the superior court in and for such county, a majority concurring, to assist the court in the transaction of the judicial business of said court by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring.

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

Each of said regular official reporters shall be paid a salary of six thousand dollars ($6,000) per annum, and each of said pro tempore official reporters shall be paid twenty dollars ($20) per day for the days he actually is on duty under order of the court. Compensation

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case. Fees

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner Payment of salaries

as other salary demands against the county, or city and county, are required by law to be allowed and audited.

Fees

In addition to a fee or fees required by any other law or laws, a fee of three dollars ($3) shall be paid to the county clerk of such a county, or city and county, by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 of the Government Code requires such party or parties to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Section 26822 of the Government Code requires such party or parties to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 of the Government Code requires such party or parties to pay said clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of three dollars ($3) as in this section provided.

(4) Where Section 26827 of the Government Code requires such party or parties to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

Fees as costs

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code.

Transmittal of funds to county treasurer

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county.

CHAPTER 1302

An act to amend Section 28121 of the Government Code and Sections 404 and 421 of the Education Code, relating to compensation for public service in counties.

In effect September 22, 1951

[Approved by Governor June 30, 1951. Filed with Secretary of State July 3, 1951.]

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

San Diego County superintendent of schools Salary

SECTION 1. Section 404 of the Education Code is amended to read:

404. The annual salary of the county superintendent of schools of a county of the fourth class is twelve thousand dollars

($12,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

SEC. 1.5. Section 421 of said code is amended to read:

421. The annual salary of the county superintendent of schools of a county of the twenty-first class is seven thousand two hundred dollars ($7,200), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Santa Barbara County superintendent of schools Salary

SEC. 2. Section 28121 of the Government Code is amended to read:

28121. In a county of the twenty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

Santa Barbara County officers Salaries

(a) The auditor, seven thousand five hundred dollars ($7,500) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor and ex officio road commissioner, four thousand two hundred dollars ($4,200) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

(d) Grand jurors and trial jurors in the superior court, three dollars ($3), and trial jurors in courts of justices of the peace, two dollars ($2), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

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

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

Operative date

CHAPTER 1303

An act to add Section 157.5 to the Vehicle Code, relating to vehicles and registration and license fees therefor.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 157.5 is added to the Vehicle Code, to read:

Special license plates

157.5. Notwithstanding any other provision of this code, any owner of a motor vehicle of the age of 35 years or more from the date of manufacture, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special license plates for such motor vehicle in lieu of the regular license plates. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plates as may be prescribed by the department. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color.

Renewal of registration

Upon annual renewal of registration of such motor vehicles, they shall, until January 1, 1956, be issued symbols or devices instead of new license plates, as provided in Section 164 of this code, and thereafter they shall be issued new special license plates every fifth year, and during each intervening four-year period the department shall annually issue symbols or devices as provided in Section 164 of this code.

CHAPTER 1304

An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 28105 of the Government Code is amended to read:

Contra Costa County officers Salaries

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year for personal services performed by him as supervisor, member of the board of equalization, and road commissioner. Each supervisor shall be allowed not to exceed 5 percent of his monthly salary for expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preced-

ing month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of seven cents ($0.07) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at seven cents ($0.07) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

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CHAPTER 1305

An act to amend Section 405 of the Education Code, relating to school superintendents' salaries in counties of the fifth class.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 405 of the Education Code is amended to read:

Contra Costa County superintendent of schools Salary

405. The annual salary of the county superintendent of schools of a county of the fifth class is ten thousand dollars ($10,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1306

An act to amend Section 28130 of the Government Code and to amend Section 430 of the Education Code, relating to compensation for public service in counties of the thirtieth class.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 28130 of the Government Code is amended to read:

Napa County officers. Salaries

28130. In a county of the thirtieth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

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

(b) The district attorney, four thousand dollars ($4,000) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year which shall be in full for all services rendered as supervisor.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance.

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

SEC. 2. Section 430 of the Education Code is amended to read:

Same

430. The annual salary of the county superintendent of schools of a county of the thirtieth class is six thousand six hundred dollars ($6,600), and he shall possess a valid general administrative credential issued by the State Board of Education.

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1307

An act to repeal Section 27370 of the Government Code, relating to recorder's fees.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 27370 of the Government Code is repealed. Repeal

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CHAPTER 1308

An act to amend Section 27371 and to repeal Section 27374 of the Government Code, relating to the fee for recording.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 27371 of the Government Code is amended to read:

27371. The fee for recording each map or plat where it is copied in a book of record is ten cents ($0.10) for each course, plus ten cents ($0.10) a folio for letters and figures on the map or plat. Recording fees

When recording is by a photographic method the fee for recording each map or plat is one dollar ($1) for each 14″ x 8½″ page or portion thereof required by the recorder to reproduce the map or plat in the official record books of the county.

SEC. 2. Section 27374 of said code is repealed.

CHAPTER 1309

An act to add Section 27361.5 to the Government Code, relating to recorder's fees.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 27361.5 is added to the Government Code, to read:

27361.5. As used in this code, the word "folio" means 100 words. Each figure, character, symbol, and initial, excluding punctuation marks, shall be regarded as a word for the purpose of computing fees by a recorder. "Folio"

CHAPTER 1310

An act to amend Section 1277 of the Fish and Game Code, relating to deer.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 1277 of the Fish and Game Code is amended to read:

Deer tags, licenses, etc

1277. The department shall determine the form of, and prepare, deer license tags and applications therefor. Such tags shall consist of two parts. The commission may cause to be designated on each tag the district or districts in which said tag is valid. Whenever a deer license tag is designated for use in a one-deer district it shall be unlawful to use any other deer license tag in said district. As used in this section "district" means the area which the commission has designated as a one-deer bag limit area or as a two-deer bag limit area for the taking of deer during the regular open deer seasons.

CHAPTER 1311

An act to add Section 12046 to the Education Code, relating to the issuance of credentials.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 12046 is added to the Education Code, to read:

Administration of oath

12046. Any oath required of an applicant for a credential may be administered by any of the persons enumerated in Section 4841 and by such employees of the Department of Education as the Director of Education may designate.

CHAPTER 1312

An act to amend Section 44.12 of the Vehicle Code, relating to authorized emergency vehicles.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 44.12 of the Vehicle Code is amended to read:

44.12. Additional Authorized Emergency Vehicles. In addition to the vehicles designated as "authorized emergency vehicles" by Section 44, the provisions of this code relating to authorized emergency vehicles shall apply to: Authorized emergency vehicles

(a) Any motor vehicle owned or operated by any department or agency of the United States Government engaged primarily in law enforcement work when used in response to an emergency call or when used in the immediate pursuit of an actual or suspected violator of the law.

(b) Any fire fighting equipment owned or operated by any department or agency of the United States Government when used in responding to emergency fire calls and in combating fires.

(c) Any ambulance or life saving equipment owned or operated by any department or agency of the United States Government when used in responding to emergency calls.

CHAPTER 1313

An act to add an article heading and Article 2 to Chapter 4, Title 6 of the Government Code, relating to districts.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. A new article heading is added to Chapter 4, Title 6 of the Government Code, immediately preceding Section 58950, to read:

Article 1. Alternative Method of Dissolution of Districts Heading

SEC. 2. Article 2 is added to Chapter 4, Title 6 of said code, to read:

Article 2. Automatic Dissolution

58980. When any district has no outstanding obligations and for five years has not collected taxes or other revenues or disbursed any district funds it shall be dissolved by resolution of the board of supervisors of the county in which the office of such district is located, unless by official action of the district a statement of desire to continue in existence is filed with the board of supervisors and the Secretary of State within two years after the effective date of this article, or within five years after it has ceased to have outstanding obligations, collect taxes or other revenues, and disburse district funds, whichever is later, and at least once within each five-year period of the existence of the district thereafter during which it has no outstanding obligations, collects no taxes or other revenues, or disburses no district funds. Not less than 30 days prior to the adoption of Dissolution resolution Notice

the dissolution resolution the clerk of the board of supervisors shall send notice to the last known principal place of business of the district that under the provisions of this article the board will on a specified date consider a dissolution resolution concerning the district. Such district shall be deemed to be dissolved upon the filing of a certified copy of the resolution of dissolution with the Secretary of State, the State Board of Equalization and with the county clerk and assessor of each county in which any portion of such district is located.

CHAPTER 1314

An act to provide for the safety of public records, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

Safekeeping of public records

SECTION 1. Any public officer who is charged with the custody of public records is authorized to take any action, including the transfer of such records to another place within the State, necessary for the safekeeping of said records during any duly proclaimed extreme emergency pursuant to Division 7 of the Military and Veterans Code.

Urgency

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

Enemy attack may readily result in the destruction of public records necessary to establish the rights of citizens. The present state of hostilities in Korea and the present state of international affairs are such that it is necessary that immediate steps be taken to secure the safety of all public records.

CHAPTER 1315

Stats 1909, p 339, amended

An act to amend Section 27 of the Storm Water District Act of 1909, relating to storm water districts.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 27 of the Storm Water District Act of 1909 is amended to read:

Disincorporation proceedings

SEC. 27. Any storm water district may be disincorporated at any time by proceedings had in the following manner:

Whenever a petition praying for such disincorporation shall be presented to the trustees of said district signed by the majority of the landowners therein, they shall call an election in the same manner as elections for members of the board of trustees are called, and submit to the electors of said district the question of disincorporation. Said election shall be held in all respects in the same manner as regular elections of trustees of the district. If it appears that two-thirds of the electors voting at said election have voted in favor of disincorporation, the trustees shall cause such fact to be entered upon their minutes, and shall forward a copy of such entry to the board of supervisors by whom the district was organized, who shall file the same with their clerk, and from the date of such filing, said district shall be deemed disincorporated; provided, that if at the time of the dissolution, or disincorporation of said district, there be any outstanding bonded or other indebtedness of such district, then taxes for the payment of such bonded or other indebtedness shall be levied and collected, the same as if such district had not been dissolved and disincorporated. Whenever all of the obligations of the district have been discharged, the board of supervisors by whom the district was formed shall distribute the balance of the funds and property of the district among the counties in which the district is located, each county to receive that portion of the funds and property that the assessed value of the property of the district within that county bears to the assessed value of all of the property within the district, the assessed values being those set forth on the last assessment roll on which assessments were levied on the property within the district for district purposes. For all other purposes, such district shall be deemed dissolved and disincorporated from the time of the forwarding of said copy of such entry to said board of supervisors.

CHAPTER 1316

An act to add Section 204g to, and to repeal Section 204f of, the Code of Civil Procedure, relating to secretaries of the superior court and fixing salaries.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 204g is added to the Code of Civil Procedure, to read:

Secretaries of superior court

204g. In counties or cities and counties having a population of over 63,500 and not over 600,000 as determined by Section 28020 of the Government Code, the judges of the superior court of such counties or cities and counties may appoint a secretary and not to exceed two assistant secretaries. Such appointees shall be exempt from civil service. The board of

supervisors of counties or cities and counties having a population of over 63,500 and not over 600,000 shall fix the salary of said secretary and assistant secretaries at rates equivalent to the salary rate of county or city and county employees holding comparable positions under the county or city and county civil service or merit system, or if there is no such system, at rates equivalent to salary rate of county or city and county employees holding comparable positions but in no event shall said salary of said secretary be less than three hundred dollars ($300) per month and no salary of an assistant secretary shall be less than two hundred seventy-five dollars ($275) per month.

Repeal

SEC. 2. Section 204f of the Code of Civil Procedure is repealed.

CHAPTER 1317

An act to add Section 1518.4 to the Military and Veterans Code, relating to civil defense.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 1518.4 is added to the Military and Veterans Code, to read:

Screening of volunteer civil defense workers

1518.4. The Director of Civil Defense shall determine the order of priority for screening volunteer civil defense workers. Screening shall include such investigation, fingerprinting, photographing, description and information as may be necessary to determine the loyalty of such volunteer civil defense workers to the United States and their general fitness to assume their civil defense powers and duties. The Director of Civil Defense shall contract with the State Bureau of Criminal Identification and Investigation for the performance of such screening functions and the cost thereof shall not exceed the actual cost to the bureau for performing such work.

CHAPTER 1318

An act authorizing suits against the State of California to quiet title against it as to certain real property situated in the County of Modoc, State of California.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

State consent to quiet title action

SECTION 1. Any person or persons claiming any interest in or to real property which is alleged to be claimed by the

State of California and which is alleged to be situated in the bed or former bed of Upper Lake, Middle Lake, or Lower Lake in Surprise Valley, Modoc County, is hereby authorized to bring a suit against the State of California in any court of competent jurisdiction of the State to quiet title to such property, and to prosecute the same to final judgment. Any suit brought as authorized by this act shall be commenced within one year after the act takes effect.

Procedure

SEC. 2. All of the provisions of Part 2, Title 10, Chapter 3 of the Code of Civil Procedure and the provisions and rules of law pertaining to appeals shall apply to such suits as may be brought under this act, except that the service of summons shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in any such suit. If judgment is given against the State, then in such suit no costs shall be allowed against the State.

CHAPTER 1319

An act to add Section 25371 to the Government Code, relating to the leasing of county real property.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 25371 is hereby added to the Government Code, to read:

Authority to lease

25371. Notwithstanding any other provision of law, the board of supervisors of any county is hereby authorized and empowered to let to any person, firm or corporation, for a term not to exceed 40 years, any real property which belongs to the county, provided, that the use to which such property will be put, after construction thereon, is consistent with the use or purposes contemplated upon the original acquisition of such property or to which such property has been dedicated. Any instrument by which such property is let as aforesaid shall require the lessee therein to construct on the demised premises a building or buildings for the use of the county during the term thereof, shall provide that title to such building shall vest in the county at the expiration of said term and shall contain such other terms and conditions as the board of supervisors may deem to be in the best interests of the county. The total amount of county bonded indebtedness plus the total payments which would become due from the county if all leases entered into under the authority of this section were to run their full term shall not at any time exceed 5 percent of the taxable property of the county as shown by the last equalized assessment roll.

CHAPTER 1320

An act to amend Section 28120 of the Government Code, relating to compensation for services performed for counties of the twentieth class.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

Sonoma County Salaries

28120. In a county of the twentieth class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand five hundred dollars ($5,500) a year.

(b) The district attorney, eight thousand dollars ($8,000) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, for all services required of him by law or by virtue of his office, five thousand dollars ($5,000) per annum and seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror, when selected to serve, in the superior court, in civil and criminal cases, three dollars ($3) per day.

For each day's attendance when not selected to serve, two dollars ($2), but in no case more than one per diem on any one calendar day. For each mile actually traveled in attending court as a juror in going only, fifteen cents ($0.15).

For each juror sworn to try the cause in a justice's court, in civil cases, one dollar and fifty cents ($1.50) a day; in criminal cases, three dollars ($3) a day. A juror excused at his own request is not entitled to a per diem fee, but shall be entitled to mileage, ten cents ($0.10), for each mile actually and necessarily traveled in attending court as a juror, except in criminal cases in a justice's court, for which no allowance shall be made.

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of

the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

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CHAPTER 1321

An act relating to a highway construction and improvement program, county and state, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1950 and the expenditure of federal-aid moneys, declaring the urgency hereof, to take effect immediately. 16 U S C, 18

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect immediately

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

SECTION 1. Declaration of Policy. The Congress of the United States has enacted the Federal-Aid Highway Act of 1950 in which federal appropriations have been authorized for projects on secondary roads of various types. By apportionment of the authorization made pursuant to said federal act, it is anticipated that substantial sums will be made available for expenditures on such roads in California. Said apportionment to California is to be made available for expenditure on either state highways or county highways which qualify under the federal law. County highways throughout the State are in greater need of such expenditures than are state highways on the Federal-Aid Secondary System. It is therefore, determined by the Legislature that, insofar as permissible under federal law, rules and regulations, at least eighty-seven and one-half percent (87½%) of the money apportioned to California for such projects as are mentioned in paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 should be expended for the improvement of county highways in this State. Declaration of policy

SEC. 2. As used in this act, "county highway" means county highway as defined by Section 25 of the Streets and Highways Code, which is on the system of secondary and feeder roads as defined by the Federal-Aid Highway Act of 1944, as amended by the Federal-Aid Highway Act of 1948, and by the Federal-Aid Highway Act of 1950. "County highway" 23 U S C, 60 23 U S C, 21

Inasmuch as the funds available for construction of highways pursuant to the provisions of paragraph (b) of Section 3 of the Federal-Aid Highway Act of 1944 and paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 may not be expended in any municipality of 5,000 or more population, "county" as used in this act does not include a city and county.

"County"

"Construction"

As used in this act, "construction" means construction as defined by the Federal-Aid Highway Act of 1944, as amended and supplemented.

"Match"

As used in this act, "match" means to provide for the payment of the cost of any project to the extent that such cost is not to be paid from federal funds.

Scope

SEC. 3. The provisions of this act or any action taken pursuant to it (including construction on any county highway) shall not be deemed to change the status of any county highway into that of a state highway notwithstanding any other provision of law.

Apportionment

SEC. 4. (a) It is in the interest of the State of California and of the counties of the State that at least eighty-seven and one-half percent (87½%) of the moneys available for construction of highways in this State pursuant to the provisions of paragraph (b) of Section 1 of the Federal-Aid Highway Act of 1950 be apportioned for expenditure among the counties of this State in the manner and in accordance with the formula prescribed in subdivision (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states, except that the census figures used in making said apportionments shall be those shown by the latest available federal census.

Recommendations

(b) The Department of Public Works through the California Highway Commission, the Director of Public Works, and the State Highway Engineer, each in their respective jurisdictions, shall in behalf of the State and the counties recommend such projects and take such other action within the powers conferred on it by law as to comply with paragraph (a) of this section and the other provisions of this act as fully as applicable federal laws, rules, or regulations permit.

Cooperation, etc

(c) The boards of supervisors of the several counties and the department are authorized and directed to enter into cooperative agreements and do all other things necessary and proper in their respective jurisdictions to secure such federal aid for construction of county highways in accordance with the intent of this act.

Notification, etc

SEC. 5. The Department of Public Works shall notify each county on the effective date of this act or as soon thereafter as possible of the amount of money to be available for expenditure in said county from said federal apportionment.

After receiving notice of apportionment from the department, each county shall have 60 days in which to notify the State Highway Engineer as to what amount of the apportionment the county wishes to claim and to agree to provide matching funds therefor. The counties, in cooperation with the Department of Public Works, shall thereafter select projects

in conformance with the Federal-Aid Highway Act of 1950 The counties shall prepare plans, specifications, and estimates of cost for construction of said projects. Said projects shall be advertised for each successive fiscal year's funds by the first day of October next succeeding the end of each fiscal year named in the Federal-Aid Highway Act of 1950.

Any savings or carry-over of funds for projects not so advertised may be permitted in an amount not to exceed 25 percent of the apportionment to the county for such fiscal year. A county may by agreement with the Department of Public Works combine the apportionment for two years for a single project.

By agreement with the Department of Public Works a county may transfer all or part of the funds apportioned to it, and in its discretion matching funds, to a federal-aid secondary road project (1) in an adjoining county where the highway connects points in the two counties or (2) in a city in the same county.

Expenditure of federal-aid secondary funds

SEC. 6. Federal-aid secondary funds apportioned to any county under the provisions of Section 4 of this act and not claimed or used as provided in Section 5 of this act shall be expended upon federal-aid secondary projects upon the State Highway System in such county from which released and in the amount released by that county, to the extent that such may be done in conformity with federal law. The money apportioned by the State to match the unexpended balance of the federal aid in any county in accordance with this section shall be deemed an expenditure to meet the requirements of Section 188.4 of the Streets and Highways Code, and such expenditures shall be subject to the provisions of Section 188 of said code. The federal funds so released by a county and expended pursuant to this section shall be exempt from Sections 188 and 188.4 of the Streets and Highways Code. As to any county in which there is no federal-aid secondary state highway, and funds are released by the county for expenditure by the State, such funds may be expended by the Department of Public Works on any federal-aid secondary state highway within the county group in which the county is situated as specified in Section 187 of the Streets and Highways Code.

Application

SEC. 7. While this act by its terms applies only to the funds made available by the Federal-Aid Highway Act of 1950, the same provisions and procedure shall be followed as to past unobligated and future federal-aid appropriations for federal-aid secondary highways where such appropriations are made on substantially the same basis of apportionment as those made pursuant to the Federal-Aid Highway Act of 1950, unless further legislation is adopted by the Legislature with reference thereto.

Short title

SEC. 8. This act shall be known as the Secondary Highways Act of 1951.

Urgency

SEC 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

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

State and county highways, and particularly county highways, have deteriorated to such an extent that immediate work for the improvement thereof by construction and reconstruction is essential to the movement of traffic thereon and the sustaining of the economy of the State in all of its phases. Human life is unnecessarily endangered by the present condition of these highways, and projects under this act will assist in alleviating present conditions.

CHAPTER 1322

An act to amend Section 1198 of the Insurance Code, relating to insurance.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 1198 of the Insurance Code is amended to read:

Excess funds investments Limitation

1198. Excess funds investments shall not be made in purchases of or loans upon shares of the capital stock of any one corporation in an amount exceeding 25 percent of the excess of the admitted assets of the investing insurer over the liabilities and required reserves of such insurer.

CHAPTER 1323

An act to add Sections 2.5, 13.3, and 25.1 to, and to amend Sections 20, 39.1, 39.2, 328, 522, 522.5, 526, 530, 583, 584, and 1159 of, the Fish and Game Code, to amend Section 2 of Chapter 1276, Statutes of 1947, to amend Sections 2 and 3 of the Wildlife Conservation Act of 1947, and to amend Section 504 of the Public Resources Code, relating to fish and game, and the administration of the laws pertaining thereto.

Stats. 1947, p. 2881

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 2.5 is added to the Fish and Game Code, to read:

"Director"

2.5. As used in this code, "director" means the Director of the Department of Fish and Game.

SEC. 2. Section 13.3 is added to said code, to read:

Powers of commission

13.3 Notwithstanding any provision of Sections 13 or 13.1 the commission shall continue to have the powers vested in

the commission by Sections 35, 251, 379, 460, 480, 488.5, 495, 499, 501, 505, 520.5, 587, 589, 590, 592, 593, 622, 669, 802, 804.5, 887, 951 1, 994, 995, 995 1, 1035, 1037, 1047, 1061, 1063, 1068, 1074, 1110, 1152.5, 1156, 1204, 1293, 1294, 1314, 1346, and 1347 and Chapter 5 of Division 1. Whenever under any of said provisions a permit or license is provided for the commission shall, in accordance with the applicable provisions of law, prescribe the terms and conditions under which such permit or license shall be issued and the persons or classes of persons to whom such permit or license shall be issued, and the department shall issue such permits or licenses in accordance therewith and with the applicable provisions of law.

Use of tags, etc

Notwithstanding any other provision of this code the department may continue to use until the supply thereof is exhausted all tags, plates, and other devices or papers bearing the words "Fish and Game Commission," "Division of Fish and Game" or any abbreviation or variant of such terms and all such tags, plates, devices, or papers heretofore or hereafter issued or otherwise used shall be deemed to refer to the department.

SEC. 3. Section 20 of said code is amended to read:

Employment of deputies, etc

20. The director shall, from time to time, employ such deputies, with, or without pay, clerks, assistants and other employees as the department may need to discharge in proper manner the duties imposed upon it by law.

SEC. 4. Section 25.1 is added to said code, to read:

Operation, etc of fish breederies, etc

25.1. The department shall maintain and operate the fish breederies and hatcheries referred to in Section 25.

SEC. 5. Section 39.1 of said code is amended to read:

Special hunting season

39.1. Whenever after due investigation the commission shall find that big game animals and upland game birds have increased in numbers in any district or refuge to such an extent that a surplus exists, or to such an extent that such animals or birds are damaging public or private property, or are overgrazing their range, the commission, with the consent of the Governor, is hereby authorized and directed to provide for a special hunting season for such animals and birds, additional to, or concurrent with any open season specified by law; or to provide for increased bag limits; or to remove sex restrictions specified by law. The commission may fix a license fee for special hunting, designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds that may be killed by each holder of special license, and the conditions and regulations to govern such hunting. The money received from the sale of such licenses shall be paid into the Fish and Game Preservation Fund.

SEC 6. Section 39.2 of said code is amended to read:

Reduction of limit

39.2. Whenever after due investigation the commission shall find that game fish, birds, or mammals have decreased in numbers in any district to such an extent that a scarcity exists, the commission, with the consent of the Governor, is hereby authorized to reduce the daily bag limit and the possession limit

on such species of game fish, birds or mammals as are in danger of depletion, for such period of time as may be specified or until such time as new legislation thereon enacted by the Legislature may become effective.

Any order issued under the provisions of this section shall be filed with the Secretary of State, and such filing shall be deemed a legal notice thereof, and such order shall be published twice in at least one newspaper of general circulation in any county affected by such order. Such publications shall be separated by a period of not less than one week and not more than two weeks. Such orders shall be posted in such public places in each county as the director may direct.

SEC. 7. Section 328 of said code is amended to read:

Operation of lands, etc

328. Lands, or lands and water, acquired by the commission for public shooting grounds shall be operated on a nonprofit basis by the department. The commission may determine and fix the amount of, and the department shall collect, permit fees for the shooting privilege on such public shooting grounds. Only persons holding valid hunting licenses may apply for or obtain such shooting permits. Funds derived from the sale of said shooting permits shall be deposited in the Fish and Game Preservation Fund.

SEC. 8. Section 522 of said code is amended to read:

Fishway

522. If, in the opinion of the commission, there is not free passage for fish over or around any dam, the commission shall cause plans to be furnished for a suitable fishway, and order in writing the owner of the dam to provide the dam, within a specified time, with a durable and efficient fishway, of such form and capacity and in such location as shall be determined by the commission. Such fishway must be completed by the owners of the dam to the satisfaction of the commission within the time specified.

SEC. 9. Section 522.5 of said code is amended to read:

Additional structures

522.5. When all of the provisions of this article have been complied with, if in the opinion of the commission changed conditions make additional structures desirable for the free passage of fish, the department may make such additional structures and may expend such sums of money as it deems necessary for such additional construction, including the cost of insurance against any liability which the department may incur in connection with such structures.

SEC. 10. Section 526 of said code is amended to read:

Traps

526. Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may order, in lieu of the fishway, the owner of the dam completely to equip, within a specified time, on a site to be selected by the commission, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the commission. After such hatchery

has been constructed, the department shall operate it without further expense to the owner of the dam.

SEC. 11. Section 530 of said code is amended to read:

530. The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the department, the young of such fish as naturally frequent the waters of the stream or river, at such times, in such places, and in such numbers as the commission may order. Planting of young of fish

SEC. 12. Section 583 of said code is amended to read:

583. If, at any time, the commission finds that harvesting of kelp will tend to destroy or impair any kelp bed or beds, or parts thereof, or shall tend to impair or destroy the supply of any food for fish, the department shall serve on every person licensed to harvest kelp a written notice that said kelp bed or beds, or parts thereof, shall be closed to the harvesting of kelp for a period not to exceed one year. Notice

SEC. 13. Section 584 of said code is amended to read:

584. Within 10 days after the service of such a notice, the person upon whom notice is served may demand a hearing upon the necessity for the closing of said kelp bed or beds, or parts thereof. Upon such demand for a hearing, the commission shall fix a time and place for the taking of evidence upon the necessity for such closing, which time shall be not less than 10 days nor more than 30 days from the date of such demand. The department shall serve written notice of the time and place of the hearing upon the person demanding said hearing, at least 10 days before the day set for the hearing. If no demand is made for a hearing within the time prescribed herein, said kelp bed or beds, or parts thereof, shall remain closed to the harvesting of kelp for the time mentioned in said order. Demand for hearing

SEC 14. Section 1159 of said code is amended to read:

1159. To provide added protection for landowners and lessees from depredations of trespassers and to provide greater access for the public to hunt on privately owned or controlled lands, the commission may contract with the owners or lessees of lands for the establishment of cooperative hunting areas upon such terms as the respective parties may agree subject to the following conditions. Cooperative hunting areas

Each cooperative hunting area shall be at least 5,000 acres in size and may consist of the adjoining lands of one or more owners. The boundaries of such areas shall be posted by the department with a sign stating that legal hunting will be allowed in the area if written permission is obtained from the owner or lessee or his duly authorized agent The department shall enforce the trespass provisions of the Penal Code and the provisions of this code within such areas.

The commission may establish rules and regulations for the management and control of the hunting on such areas; provided, that such rules and regulations shall not conflict with or modify the provisions of this code or its orders of the commis-

sion made pursuant to Sections 14 to 19.6 thereof, and that the open season and bag limits for any cooperative hunting area shall not differ from the open season and bag limits as prescribed for the district wherein the cooperative hunting area lies. The owners or owner or lessees or lessee of a cooperative hunting area may collect a daily fee not to exceed two dollars ($2) per day per area from each permit hunter.

SEC. 15. Section 504 of the Public Resources Code is amended to read:

Division of work

504. The work of the department shall be divided into at least four divisions, known as the Division of Forestry, the Division of Beaches and Parks, the Division of Mines, and the Division of Oil and Gas.

SEC. 16. Section 2 of Chapter 1276, Statutes of 1947, is amended to read:

Creation of committee

Sec. 2. There is hereby created in the Department of Fish and Game the Marine Research Committee, to consist of nine members. Three of such members shall be the President of the Fish and Game Commission, the Director of the Department of Fish and Game, and one employee of said department designated by the Fish and Game Commission, who shall be ex officio members and shall have the same rights and powers as other members. Of the other six members, at least five shall be men experienced in and actively engaged in, the canning or reduction of California sardines at the time of their appointment. The six appointed members shall be appointed by the Governor, and shall hold office for two (2) years or until their successors are appointed. The members of the committee shall serve without compensation. They shall be reimbursed from the Fish and Game Preservation Fund for their actual and necessary expenses.

SEC. 17. Section 2 of the Wildlife Conservation Act of 1947 is amended to read:

Creation of board

Sec. 2. There is hereby created in the Department of Fish and Game the Wildlife Conservation Board, hereafter referred to as the board. The board shall consist of the President of the Fish and Game Commission, the executive officer or some other employee of the commission designated by it who shall serve until the Director of the Department of Fish and Game is appointed and qualifies at which time said executive officer or other employee shall be supplanted by said director as a member of said board, and the Director of Finance. Three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof, shall meet with the board and participate in its activities to the extent that such participations is not incompatible with their respective positions as Members of the Legislature. The chairman of said board shall be elected by the members of such board. For the purposes of this act, said Members of the Legislature shall constitute an interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly. The members of the board shall receive their

actual and necessary traveling expenses, which shall be paid from the Wildlife Restoration Fund.

SEC. 18. Section 3 of the Wildlife Conservation Act of 1947 is amended to read:

Investigation, etc

Sec. 3. The board shall investigate, study and determine what areas within the State are most essential and suitable for wild life production and preservation, and that will provide suitable recreation; and shall ascertain and determine what lands within the State are suitable for game propagation, game refuges, bird refuges, water fowl refuges, game farms, fish hatcheries, game management areas, and what streams and lakes are suitable for, or can be made suitable for, fishing, hunting and shooting. The board shall also ascertain what lands are suitable for providing cover for the propagation and rearing in a wild state of waterfowl, shore birds, and upland birds and the possibilities of acquiring easements on such lands to provide such cover. As a result of such studies the board shall determine what areas, lands or rights in lands or waters should be acquired by the State in order to effectuate a coordinated and balanced program resulting in the maximum revival of wild life in the State and in the maximum recreational advantages to the people of the State. The board shall authorize the acquisition of such lands, rights in land, water, or water rights as may be necessary to carry out the purposes of this act. The board may authorize such acquisition by the Department of Fish and Game but said department shall not acquire any of such property by eminent domain proceedings. The board may authorize such acquisition by the State Public Works Board which is hereby empowered to effect such acquisitions pursuant to the Property Acquisition Act. The Department of Fish and Game shall, when authorized by the board construct thereon in accordance with law such facilities as are suitable for the purpose for which such lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the Department of Fish and Game. Each recreational area shall be so managed and controlled that the public shall have access thereto and use thereof for all recreational purposes. The money in the Wildlife Restoration Fund shall be available for expenditure under any provision of this section.

Transfer of property

SEC. 19. Upon the effective date of this act there shall be transferred from the Department of Natural Resources to the Department of Fish and Game all property, records, equipment, and funds of the Wildlife Conservation Board and of the Marine Research Committee.

Availability of balance

Stats 1951, Ch 1020

SEC. 20. The unexpended and unencumbered balance, as of the effective date of this act, of the appropriation made by Item 182 of the Budget Act of 1951 to the Department of Natural Resources shall be available to the Department of Fish and Game. Nothing in this section shall be deemed to modify or affect any of the provisions of Section 26 of the Budget Act of 1951.

CHAPTER 1324

An act to amend Sections 2824 and 5720 of the Streets and Highways Code, relating to special assessment proceedings.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 2824 of the Streets and Highways Code is amended to read:

Report on proposed improvement

2824. The legislative body shall cause a written report upon the proposed improvement or acquisition to be prepared for it. The legislative body of a county may require the county surveyor or the county road commissioner to procure the required information and prepare the report, and the legislative body of a city may require the city engineer or the superintendent of streets to procure the required information and prepare the report. In lieu of the county surveyor, county road commissioner, city engineer or superintendent of streets, the legislative body of the city or county may employ any competent person to procure such information and prepare the report. The person required to prepare the report shall complete and file the same with the legislative body within one year from the date such person is directed to prepare the report.

SEC. 2. Section 5720 of the Streets and Highways Code is amended to read:

Transfer of duties

5720. If a county is conducting the proceedings the legislative body may designate the county road commissioner or any other competent county officer, other than the county surveyor, to serve without additional compensation from the county, as the officer to perform any or all of the duties conferred upon the street superintendent or the engineer in this division. The duties thus transferred shall be the duties of the officer so designated, and all of the provisions of this division relating to such duties and to the incidental expenses thereof shall apply to such officer.

CHAPTER 1325

An act to add Section 11128 to the Water Code, relating to use of water.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 11128 is added to the Water Code, to read:

Application of limitations

11128. The limitations prescribed in Section 11460 and 11463 shall also apply to any agency of the State or Federal

Government which shall undertake the construction or operation of the project, or any unit thereof, including, besides those specifically described, additional units which are consistent with and which may be constructed, maintained, and operated as a part of the project and in furtherance of the single object contemplated by this part.

CHAPTER 1326

An act to amend Section 9540 of the Business and Professions Code, relating to regulation by the State Board of Dry Cleaners.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9540 of the Business and Professions Code is amended to read:

License required

9540. No person shall establish or operate a clothes cleaning establishment, a dyeing plant, a cleaning and/or dyeing shop or store, a spotting, sponging, or pressing establishment, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning and/or dyeing, spotting or pressing, without first obtaining a license so to do from the board. Before a license may be issued, such person shall file at the board's principal office, a written application, upon a form prescribed by the board, accompanied by the fee prescribed by this chapter for an investigation and examination. The applicant shall submit with his application, evidence showing that:

1. He possesses competent knowledge of the particular branch of the industry in which he wishes to engage.

2 He has the character, ability and fitness therefor.

CHAPTER 1327

An act to add Section 1035 to the Code of Civil Procedure, relating to court costs.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1035 is added to the Code of Civil Procedure, to read:

Bond premiums as costs

1035. Whenever in this code or by other provision of law costs are allowed to a party to an action or other proceeding, such costs shall include the premium on any surety bond which was procured by the party entitled to recover costs in connection with the action or proceeding unless the court determines that the bond was unnecessary.

CHAPTER 1328

An act to amend Section 755 of the Political Code and Section 58.6 of the Code of Civil Procedure, relating to the salary of the clerk of the Supreme Court and ex officio secretary of the Judicial Council.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 755 of the Political Code is amended to read:

Supreme Court clerk's salary

755. The annual salary of the clerk of the Supreme Court and ex officio secretary of the Judicial Council is twelve thousand dollars ($12,000).

SEC. 2. Section 58.6 of the Code of Civil Procedure is amended to read:

Same

58 6. The annual salary of the clerk of the Supreme Court and ex officio secretary of the Judicial Council is twelve thousand dollars ($12,000).

Effect Stats 1951, Ch 655

SEC. 3. Section 2 of this act becomes operative only if Section 755 of the Political Code is repealed by the Legislature at its 1951 Regular Session, and in such case at the same time as said repeal takes effect.

CHAPTER 1329

An act to add Article 1.5 to Chapter 4, Part 9, Division 1 of the Revenue and Taxation Code, relating to the cancellation of assessments on state-assessed property

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Article 1.5 is added to Chapter 4, Part 9, Division 1 of the Revenue and Taxation Code, to read:

Article 1.5. Cancellation of Assessments on State-assessed Property

Cancellation of assessments

5011. All or any portion of any assessment heretofore or hereafter levied may, on satisfactory proof, be canceled by the board if it was made:

(a) More than once.

(b) Erroneously or illegally.

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

5012. The date and nature of the cancellation shall be entered in the records of the board. Same Entry in records

5013. The board shall transmit a statement of the cancellation to the auditor of the county or city in which the property is located. Transmittal of cancellation statement

5014. The auditor shall enter the cancellation on the roll of the county or city and shall file and preserve the statement of the cancellation as a public record. The auditor shall make any necessary changes in his account with the tax collector. Preservation of statement

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CHAPTER 1330

An act to amend Section 767 of the Political Code and Sections 59 and 59.1 of the Code of Civil Procedure, relating to officers and employees of the Supreme Court and of the district courts of appeal.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 767 of the Political Code is amended to read:

767. The reporter of the decisions of the Supreme Court and of the district courts of appeal and such other assistants as required shall be appointed by the Supreme Court. The salary of the reporter of the decisions of the Supreme Court and of the district courts of appeal is ten thousand dollars ($10,000) per annum. The salaries of the assistants shall be established in accordance with Section 18004 of the Government Code. Each of the persons so appointed is to serve in full-time employment. Supreme Court, etc Officers and employees

SEC. 2. Section 59 of the Code of Civil Procedure is amended to read:

59. The reporter of the decisions of the Supreme Court and of the district courts of appeal and such other assistants as required shall be appointed by the Supreme Court. Same

SEC. 3. Section 59.1 of the Code of Civil Procedure is amended to read:

59.1. The salary of the reporter of the decisions of the Supreme Court and of the district courts of appeal is ten thousand dollars ($10,000) a year. The salaries of the assistants shall be established in accordance with Section 18004 of the Government Code. Each of the persons so appointed is to serve in full-time employment. Same

SEC. 4. Sections 2 and 3 of this act become operative only if Section 767 of the Political Code is repealed by the Legislature at its 1951 Regular Session, and in such case at the same time as said repeal takes effect. Effect Stats 1951, Ch 655

CHAPTER 1331

An act to amend Section 26020 of the Government Code, relating to the financing of airports by counties.

In effect September 22, 1951

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 26020 of the Government Code is amended to read:

Authority to acquire, etc., airports, etc.

26020. As a necessary adjunct to aerial transportation and the use of aerial highways, the board of supervisors may provide and maintain public airports and landing places for aerial traffic for the use of the public. For such purposes the board of supervisors may:

(a) Acquire by purchase, condemnation, donation, lease, or otherwise real or personal property, either within or without the incorporated territory of municipalities, necessary for such purposes, and improve, construct, reconstruct, lease, furnish, refurnish, use, repair, maintain, and control the property, including buildings, structures, and lighting and other equipment and facilities necessary for such use.

(b) Provide all necessary custodians, employees, attendants, and supplies for the proper maintenance of the property for the purposes specified in this section.

(c) In addition to all other taxes, levy in any year a special tax not to exceed three mills ($0.003) on the one dollar ($1) of assessed valuation on all taxable property in the county, the proceeds of which may be accumulated for not to exceed five years for use in carrying out the purposes of this section.

(d) Establish a fund or funds for such purposes and appropriate and transfer from the general fund to such fund or funds from time to time such money as it deems necessary.

(e) In the manner provided by law, incur a bonded indebtedness on behalf of the county.

CHAPTER 1332

An act to amend Sections 27281, 27281a, and 27300a, and to repeal Sections 27302 and 27306, of the Streets and Highways Code, relating to bridge and highway districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 27281 of the Streets and Highways Code is amended to read:

Tolls

27281. Until the bonded indebtedness of the district has been retired, the general manager shall furnish the board with

an estimate of the tolls necessary to pay the obligations of the district. The board shall, upon the recommendation of the general manager, or such modifications thereof as it may adopt, fix such tolls as will:

(a) Pay the operating expenses of the district.

(b) Provide for repairs and depreciation of works, owned or operated by it.

(c) Pay the interest on any bonded debt, and

(d) Insofar as possible, provide a sinking fund or other funds for the payment of the entire principal of such debt, it being the intention of this part to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

(e) Provide an emergency fund or other fund or funds, for use in the event of disaster, damage to, or destruction of works, owned or operated by the district, and for any purpose which the district board of directors may deem necessary and advisable for the safe, efficient and proper operation and maintenance of bridge and highway district properties and/or to carry out the provisions of this act. All appropriations heretofore made to an insurance reserve fund for any such aforesaid purpose are legalized.

SEC. 2. Section 27300a of the Streets and Highways Code is amended to read:

27300a. The board shall in each fiscal year after the bonded indebtedness of the district has been retired set aside in separate funds out of the revenues of the works a sufficient sum to: Separate funds

(a) First, pay the operating expenses of the district;

(b) Second, provide for repairs of the works; and

(c) Third, pay any indebtedness or lien that may exist against the district or any of its property or revenues. The first indebtedness or lien against these revenues shall be the obligations created pursuant to Chapter 1505, Statutes of 1945, as amended.

After the bonded indebtedness of the district has been retired, the revenues of the works are hereby pledged to the aforesaid purposes.

SEC. 3. Section 27302 of the Streets and Highways Code is repealed. Repeal

SEC. 4. Section 27306 of the Streets and Highways Code is repealed. Repeal

SEC. 5. Section 27281a of the Streets and Highways Code is amended to read:

27281a After the bonded indebtedness of the district has been retired, the general manager shall furnish the board with an estimate of the tolls necessary to pay the obligations of the district. The board shall, upon the recommendation of the general manager, or such modifications thereof as it may adopt, fix such tolls as will: Tolls

(a) First, pay the operating expenses of the district;

(b) Second, provide for repairs of works, owned or operated by it; and

(c) Third, pay any indebtedness or lien that may exist against the district or any of its property or revenues. The first indebtedness or lien against these revenues shall be the obligation created pursuant to Chapter 1505, Statutes of 1945, as amended.

Urgency

SEC. 6. 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 has been a tremendous increase in the volume of traffic using state highways connecting with the Golden Gate Bridge in the past few years. In order to reduce traffic hazards it is essential that a safer highway be provided immediately to accommodate the many vehicles regularly using the bridge. Money has been appropriated for such purposes by Chapter 1505 of the Statutes of 1945 and Chapter 1431 of the Statutes of 1949. So that progress can be made on the construction of such safer highways it is necessary to execute certain supplemental agreements to safeguard the interests of the State and the Golden Gate Bridge and Highway District This act will make possible the execution of such supplemental agreements and therefore it is necessary that this act take immediate effect.

CHAPTER 1333

An act to amend Sections 3215 and 3227 of the Public Resources Code, relating to oil or gas.

In effect September 22, 1951

[Approved by Governor July 3, 1951 Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 3215 of the Public Resources Code is amended to read:

Filing of well records

3215. Upon the completion of any well or upon the suspension of operations upon any well, for a period of six months if it is a prospect well, or for a period of 30 days if it is in proved territory, copies of the log, core record, and history, in duplicate and in such form as the supervisor may direct, shall be filed with the district deputy within 10 days after such completion, or after the expiration of said six-month or 30-day period. Like copies shall be filed upon the completion of additional work in any well.

SEC. 2. Section 3227 of said code is amended to read:

Monthly well statement. Contents

3227. Every person producing oil or gas in the State shall file with the supervisor, on or before the tenth day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing:

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, or idle, owned or operated by such person.

(c) What disposition was made of the gas produced from each well, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

Upon request and satisfactory showing, a longer interval may be fixed by the supervisor for such reports in the case of any specific owner or operator.

(d) It is the duty of the supervisor to compile from such statements and to publish monthly statistics showing the amount of oil and gas produced in the State by oil fields and pools, together with the number of wells drilling, number of wells producing or idle, all separately stated as to oil fields and pools, with such other information as the supervisor deems proper.

(e) As used in this section, "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool. "Pool"

SEC. 3. The provisions of this act shall not become operative until January 1, 1952. Operative date

CHAPTER 1334

An act to amend Section 13116 of, and to add Section 13117 to, the Government Code, relating to the Department of Finance, in respect to the investment of funds in certain public office buildings, and making an appropriation for the liquidation of such investment.

[Approved by Governor July 3, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 13116 of the Government Code is amended to read:

13116. Notwithstanding any other provision of the law the Department of Finance is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the State Department of Motor Vehicles whereby the agency agrees to invest with the State Department of Motor Vehicles funds not exceeding the sum of five million five hundred thousand dollars ($5,500,000) for construction, improvements and equipment of an office building in the City of Sacramento for the State Department of Motor Vehicles. Authorized investments by state agencies

The agreement shall provide for the liquidation of the investment, with interest at the rate agreed upon between the Liquidation

parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the State Department of Motor Vehicles for the purpose.

Any state agency authorized to invest funds under its control and the State Department of Motor Vehicles are hereby authorized to enter into the above agreement.

Investments by Director of Finance

Whenever under any general or special statute the Director of Finance is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of Finance under this section shall not exceed five million five hundred thousand dollars ($5,500,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of Finance and the State Department of Motor Vehicles providing for the investment of such funds and the liquidation of the investment, with interest at the rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or from other funds available to the State Department of Motor Vehicles for such purpose.

SEC. 2. Section 13117 is hereby added to the Government Code, to read:

Appropriation Liquidation, etc., of investment

13117. Such amount as may be necessary to pay monthly the amount required for liquidation of the investment, with interest at the rate agreed upon between the parties, in any agreements entered into between the State Department of Motor Vehicles or the State Department of California Highway Patrol, and any other state agency, pursuant to the provisions of Sections 13115 and 13116 of the Government Code, is hereby appropriated each fiscal year from the Motor Vehicle Fund in the State Treasury. The money herein appropriated shall be allotted to the State Department of California Highway Patrol or to the State Department of Motor Vehicles by the Director of Finance for support in such amounts as he may determine to be necessary, and shall become available only if the Department of Finance certifies to the State Controller that the amount required monthly to liquidate the investment, with interest at the rate agreed upon, has not been included in the Budget Act for such fiscal year for support of said departments.

CHAPTER 1335

An act to add Sections 1303.1 and 1303.2 to the Education Code, relating to employment of superintendents of school districts.

In effect September 22, 1951

[Approved by Governor July 5, 1951. Filed with Secretary of State July 5, 1951.]

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

Termination and re-employment of superintendents of school districts

SECTION 1. Section 1303.1 is added to the Education Code, to read:

1303.1 The governing board of any school district, with the consent of the employee concerned, may at any time termi-

nate, effective on the next succeeding first day of July, the term of employment of, and any contract of employment with, the superintendent of schools, or any associate, deputy, or assistant superintendent of schools of the district, and re-elect or re-employ the employee, on such terms and conditions as may be mutually agreed upon by the board and the employee, for a new term to commence on the effective date of the termination of the existing term of employment.

SEC. 2. Section 1303.2 is added to said code, to read:

1303.2. In the event the governing board of a school district determines the superintendent of schools of the district is not to be re-elected or re-employed as such superintendent upon the expiration of his term, the superintendent of schools shall be given written notice thereof by the governing board at least six months in advance of the expiration of his term. In the event the governing board of a district fails to re-elect or re-employ the superintendent of schools of the district as such superintendent and the written notice herein provided for has not been given, the superintendent of schools shall be deemed re-elected for a term of the same length as the one completed. Notice of determination not to re-employ

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CHAPTER 1336

An act to amend Section 27367 of the Government Code, relating to recorder's fees.

[Approved by Governor July 5, 1951. Filed with Secretary of State July 5, 1951.] In effect September 22, 1951

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

SECTION 1. Section 27367 of the Government Code is amended to read:

27367. The fee for examining and certifying to a copy of any instrument or document, when the copy is prepared by another and is presented concurrently with the instrument or document filed for record, is three cents ($0.03) a folio for comparing the copy with the original. The minimum fee shall be one dollar ($1) for such service. Examination, certification fees

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CHAPTER 1337

An act to amend Section 10 of the Property Acquisition Act relative to repairs and improvements on state property, declaring the urgency thereof, to take effect immediately. Stats. 1941 (4th Ex. Sess.), p. 149, amended

[Approved by Governor July 5, 1951. Filed with Secretary of State July 5, 1951.] In effect immediately

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

SECTION 1. Section 10 of the Property Acquisition Act is amended to read:

Sec. 10. When any real property is acquired by the State pursuant to this act, and until such time as the use thereof Control of property

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

Urgency

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

Many parcels of property have been acquired by the State in various localities on which to build state office buildings, and the properties have been cleared ready for construction. The present embargo prescribed by the Federal Government on the construction of office buildings will not permit the State to make immediate use of the properties for the purposes for which they were acquired. If these areas can be graded and given temporary surfacing the State can derive considerable revenue by leasing them for public parking purposes. This act will permit money now received by the Department of Finance from rental of these properties to be used to make such improvements. The sooner the improvements can be made the sooner can the State obtain revenue from leases which can be entered into when the property has been improved for temporary parking use. It is necessary, therefore, that this act take effect immediately.

CHAPTER 1338

An act to add Section 1303.2 to the Education Code, relating to the Public School System of the State of California.

In effect September 22, 1951

[Approved by Governor July 5, 1951. Filed with Secretary of State July 5, 1951.]

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

SECTION 1. Section 1303.2 is added to the Education Code, to read:

1303.2. In the event the governing board of a school district determines the superintendent of schools of the district is not to be re-elected or re-employed as such superintendent upon the expiration of his term, the superintendent of schools shall be given written notice thereof by the governing board at least six months in advance of the expiration of his term. In the event the governing board of a district fails to re-elect or re-employ the superintendent of schools of the district as such superintendent and the written notice herein provided for has not been given, the superintendent of schools shall be deemed re-elected for a term of the same length as the one completed, and under the same terms and conditions and with the same compensation. Notice of determination not to re-employ

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CHAPTER 1339

An act to amend Section 4127 of and to add Section 4128 to the Public Resources Code, relating to the closure to entry of lands during the existence of an extreme fire hazard emergency.

[Approved by Governor July 6, 1951. Filed with Secretary of State July 6, 1951.] In effect September 22, 1951

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

SECTION 1. The purpose of this act is to declare the existence of an emergency under certain conditions which at times create extreme fire hazards. The public interest is affected by the protection of certain lands within the State of California, and it is declared to be the policy of the State that under extreme fire hazardous conditions, it is in the interests of the public peace, health and safety to close to entry certain lands of the State. Purpose

SEC. 2. Section 4127 of the Public Resources Code is amended to read:

4127. Any order issued under Sections 4126 and 4126.5 shall be published twice in at least one newspaper of general circulation in any county affected by the order, and such publication shall be separated by a period of not less than one week and not more than two weeks. The order shall also be posted in such public places in each county as the Director of Natural Resources may direct, and along roads and trails passing through such areas declared to be closed to camping or entry. Publication of order

SEC. 3. Section 4128 is added to the Public Resources Code, to read:

4128. Upon the showing of the State Forester that the unrestricted use of any grass, grain, brush or forest-covered land is, in the judgment of the State Forester, a menace to life or property due to conditions tending to cause or allow the rapid spread of fires which may occur on such lands or because of the inaccessible character of such lands, the Governor through the Director of Natural Resources, may, by proclamation, declare such condition therein, designating the area to which, and the period during which such proclamation shall apply, and requiring that such area shall be closed to hunting and fishing Proclamation closing area

and to entry by any person other than one of the following classes:

(a) Owners and lessees of land in the area.

(b) Bona fide residents in the area.

(c) Persons engaged in some bona fide business, trade, occupation, or calling in the area and persons employed by them in connection with such business, trade, occupation, or calling.

(d) Authorized agents or employees of a public utility entering such area for the purpose of operating or maintaining public utility works or equipment within the area.

(e) Members of any organized fire fighting force.

(f) Any federal, state or local officer in the performance of his duties.

(g) Persons traveling on public roads or highways through the area.

Same Publication, etc

The proclamation by the Governor shall be released to the wire news services in the State, and shall be published at least once in a newspaper of general circulation in each county containing any lands covered by the proclamation, and a notice of closure shall be posted on trails or roads entering the area covered by the proclamation. The closure shall be effective upon issuance of the proclamation by the Governor. Each notice shall clearly set forth the area to be subject to closure and the effective date of such closure. The closure shall remain in full force and effect until the Governor shall by order terminate the same. The notice of such termination shall follow the same procedure by which such closure was effected. The order of termination shall be effected upon issuance.

Penalty

Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 10 days nor more than 90 days or both such fine and imprisonment. All state and county law enforcement officers shall enforce such order of closure.

CHAPTER 1340

An act to amend Sections 2007, 2009, and 2151 of the Streets and Highways Code, relating to a system of public streets and highways in this State and the financial support thereof.

In effect September 22, 1951

[Approved by Governor July 6, 1951. Filed with Secretary of State July 6, 1951.]

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

SECTION 1. Section 2007 of the Streets and Highways Code is amended to read:

Tentative road budget

2007. The road commissioner shall each year prepare a tentative road budget covering all proposed expenditures for the ensuing fiscal year for county road purposes. He shall sub-

mit the budget to the board of supervisors in accordance with the provisions of Chapter 1, of Division 3, of Title 3 of the Government Code and in the form and manner prescribed by the State Controller and at the same time as other county departments submit their recommended budgets The board of supervisors shall hold public hearings on the proposed road budget at the same time as the general county budget is considered and after like notice. In adopting the budget the board may make such changes and revisions as it considers will subserve the public interest. After adoption of the budget by the board of supervisors, the road commissioner shall not obligate or expend funds appropriated for county road purposes other than as set forth in the budget as adopted; provided, however, that the board of supervisors may, by appropriate action at any regular or special meeting, authorize the cancellation or transfer in whole or in part of any appropriation or appropriations set forth in the budget and reappropriate funds thus canceled for road purposes not set forth in the budget or to expenditure classifications insufficiently provided for where such action will best serve the interests of the people. Funds thus transferred as herein provided shall immediately be made available for expenditure by the road commissioner, (or) as authorized by the board of supervisors, for road purposes.

SEC. 2. Section 2009 of said code is amended to read:

2009. The board shall determine the general policies of the county as to county highway matters and the same shall be carried out and administered by the road commissioner in conformity with the estimates of expenditures as finally fixed and adopted by the board, or as thereafter revised by appropriate action of the board. The commissioner shall employ such assistants and employees as may be necessary, subject to the approval of the board of supervisors of the salary or other compensation to be paid, and may purchase, lease or hire such equipment as is necessary for county road purposes, subject to the approval of the board as to the price or rental.

General policies Determination, execution

SEC. 3. Section 2151 of said code is amended to read:

2151. On or before the first day of October of each year, the governing body of each county and city shall cause to be made and filed with the State Controller a complete report of the expenditures for street or road purposes during the fiscal year ending on the thirtieth day of June next preceding. The State Controller shall prescribe the form and contents of the report. The board of supervisors of each county shall by appropriate action at any regular or special meeting designate either the county road commissioner or the county auditor as the person responsible for making and signing the report required by this section. When the road commissioner is designated to make and sign the report the county auditor shall certify the report before it is filed with the State Controller. When the county auditor is designated to make and sign the report the road commissioner shall certify the report before it is filed with the State Controller.

Report of expenditures

CHAPTER 1341

An act to amend Section 25 of the Fish and Game Code, relating to the leasing of property and the establishment of fish breederies or hatcheries and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1951. Filed with Secretary of State July 6, 1951.]

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

SECTION 1. Section 25 of the Fish and Game Code is amended to read:

Establishment, etc., of fish breederies, etc

25. The commission shall establish and maintain fish breederies or hatcheries for stocking the waters of this State with foreign and native fish.

In any lease entered into whereby the State leases from any county, city, city and county, or irrigation district in this State, real property for the purpose of establishing or maintaining a fish breedery or fish hatchery, the State may agree to indemnify and hold harmless the county, city, city and county, or irrigation district by reason of the uses authorized by such lease. Insurance may be purchased by the Department of Finance to protect the State against loss or expense arising out of such an agreement.

Any claim for damages arising against the State under this section shall be presented to the State Board of Control in accordance with Section 16041 of the Government Code and if not covered by insurance as herein provided shall be payable only out of funds appropriated by the Legislature for such purpose. If the State elects to insure its liability under this section the State Board of Control may automatically deny any such claim.

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

It is imperative that leases be entered into by the State with counties, cities, and cities and counties and irrigation districts in order that adequate sites be secured for the establishment of fish breederies and hatcheries. It is further imperative that the leases be executed immediately in order that the work may proceed during the summer months. It is therefore necessary to the public peace, health and safety that this law go into effect immediately in order that such leases may be executed at once.

CHAPTER 1342

An act to amend Sections 502, 502.1, as added by Chapter 738 of the Statutes of 1943, 502.2, 511.5, 512, and to repeal Sections 502.1, as added by Chapter 179 of the Statutes of 1941, 512.1, 513, 515, and 518.1, and to amend and renumber Sections 513.1 and 515.1, of the Military and Veterans Code, relating to the appointment, expenses, pay, control, jurisdiction and active duty of officers in the California Cadet Corps, service of members of California Defense and Security Corps with California Cadet Corps, uniforms for California Cadet Corps and target practice and training of California Cadet Corps.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 502 of the Military and Veterans Code is amended to read:

Appointment of officers

502. Upon recommendation of the school board having jurisdiction over the school and with the approval of the Adjutant General the Governor may appoint officers in the California Cadet Corps not to exceed the grade and rank of major for duty in each college, junior college or high school having one or more cadet companies. Except while on duty under orders of the Adjutant General such officers shall be under the immediate control and jurisdiction of the governing body of the college, junior college or high school at which they are on duty. Each such officer shall hold his appointment at the pleasure of the Governor, or until his successor has been appointed and qualified or his connection with the cadets is severed. Said officers may be ordered by the Adjutant General to duty at encampments or exercises held or conducted by the California Cadet Corps and while on such duty said officers shall receive the same base pay without longevity as officers of similar grade in the United States Army and shall receive their expenses while on such duty. Such pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 3. Section 502.1, as added by Chapter 738 of the Statutes of 1943, of said code is amended to read:

Determination of grade and rank

502.1. The Adjutant General shall determine by the adoption of rules and regulations the grade and rank to be held by officers appointed in the California Cadet Corps by reason of their military experience and professional knowledge. Said officers shall be commissioned in the manner that shall be determinded by rules and regulations adopted by the Adjutant General.

Honorably discharged commissioned officers

A candidate who has previously been a commissioned officer of, and honorably discharged from, the United States Army, the Army of the United States, the Navy, the Marine Corps,

the Coast Guard, the National Guard, the Officer's Reserve Corps, the California Defense and Security Corps, or the State Guard may be appointed in the California Cadet Corps and commissioned in the same rank or its equivalent last held in the branch of service in which he was commissioned. Each officer commissioned shall hold office as provided by rules and regulations adopted by the Adjutant General. Upon recommendation of the Adjutant General, the Governor may commission one executive officer of the California Cadet Corps as Colonel National Guard, one assistant executive officer of the California Cadet Corps as Lieutenant Colonel National Guard, and the necessary number of regional supervisors of cadet instruction as Major National Guard. Pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 4. Section 502.2 of said code is amended to read:

Uniforms

502.2. The executive officer commissioned as a Colonel National Guard, the assistant executive officer commissioned as a Lieutenant Colonel National Guard, the supervisors of cadet instruction commissioned as Majors National Guard and the officers appointed in the California Cadet Corps commissioned according to rules and regulations adopted by the Adjutant General shall wear such uniform as may be prescribed by the Adjutant General including cap and collar ornaments and other distinctive marks of identification of the California Cadet Corps as may be in accord with rules and regulations of the United States Army.

SEC. 5 Section 511.5 of said code is amended to read:

Same

511.5. The Adjutant General, under such rules and regulations as he may adopt, may purchase and furnish the members of the California Cadet Corps uniforms including caps, helmets, liners, shirts, trousers, belts, jackets, ties and leggings. Such uniforms not to be furnished in excess of fifteen dollars ($15) in value per cadet, the number of cadets per unit to be based upon the average monthly strength report thereof.

SEC. 6. Section 512 of said code is amended to read:

Target practice

512. Target practice shall constitute a part of the instruction to be given to cadets. The Adjutant General may purchase and supply to each of the colleges, junior colleges and high schools a sufficient number of Springfield or other efficient rifles for field target work and gallery practice and the ammunition and equipment therefor, as in his judgment is necessary for efficient rifle practice. All target practice shall be under the supervision of the president, chief administrative officer, director or principal of the college, junior college or high school or such officer or officers as he or they may appoint. Competent members of the National Guard, State Guard, California Defense and Security Corps or Naval Militia may be detailed by the Adjutant General, with their consent, and upon request of the president, chief administrative officer, director or principal of the college, junior college or high school, as instructors of target practice in the California Cadet Corps. Such instructors

while on duty at said college, junior college or high school during target practice shall be under the immediate control and jurisdiction of the governing body of said college, junior college or high school The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 7. Section 513 1 of said code is amended to read·

513 The Adjutant General may detail from the organizations of the National Guard, State Guard, California Defense and Security Corps, or Naval Militia competent members thereof who shall act as training and rifle practice instructors for the California Cadet Corps. The Adjutant General may provide for compensating the persons detailed by him to instruct the cadets in drill and target practice. The Adjutant General may conduct schools and conferences for the officers of the California Cadet Corps and pay the expenditures thereof out of moneys appropriated for the maintenance of the California Cadet Corps. The Adjutant General may adopt rules and regulations providing for the promotion of officers of the California Cadet Corps. Training and rifle practice instructors

SEC. 8 Section 515.1 of said code is amended to read:

515 Units of the California Cadet Corps shall be inspected at least once each year by the supervisor of cadets, the assistant supervisor of cadets, the supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Guard, California Defense and Security Corps, or Naval Militia detailed by the Adjutant General for that purpose. Such inspectors shall report to the Adjutant General the result of inspections relating to the training, target practice, attendance, discipline, military knowledge and instruction, leadership and condition of property of the California Cadet Corps. Such report shall contain an inventory of the state property on hand in the cadet units at the time of inspections. Such reports shall be made and forwarded in duplicate, one copy to the State Superintendent of Public Instruction and one copy to the Adjutant General's Office, and shall bear the endorsement of the president, director or other chief administrative officer of the college or junior college or of the principal of the high school, containing remarks the said officials may deem pertinent. Inspection and reports

SEC. 9. Sections 502.1, as added by Chapter 179 of the Statutes of 1941, 512.1, 513, 515, and 518.1 of said code are repealed. Repeal

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CHAPTER 1343

An act to amend Section 3045 of the Welfare and Institutions Code, relating to aid to the needy blind.

[Approved by Governor July 7, 1951 Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 3045 of the Welfare and Institutions Code is amended to read:

Eligibility

3045. No aid to needy blind shall be given under the provisions of this chapter to any individual who receives aid under the Old Age Security Law, which is Chapter 1, Division 3 of this code, or who receives aid under Chapter 1 of Part 2 of Division 2 of this code.

CHAPTER 1344

An act to amend Sections 3, 12, 14, 16, 17, 28, 30, and 35 of, and to add Sections 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.7, 30.8, 30.9, 30.10, 30.11, 30.12, 30.13, 30.14, 30.15, and 30.16 to, and to repeal Sections 13, 15, 18, and 29 of, the Sonoma County Flood Control and Water Conservation District Act, relating to the powers of said district, the incurring of indebtedness, the issuing and selling of special assessment bonds, the levy and collection of special assessments, and the levy and collection of taxes by said district.

Stats 1949, p 1793, amended

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

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

Purposes of act

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical for water conservation, the control and disposition of flood, storm and other waters of the district, and the generating electric energy, and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Powers of district

(a) To have perpetual succession.

Suits

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

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

Personal and mixed property

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

Real property

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

extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

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

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district. Condemnation proceedings

(g) To compel by injuction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes All costs of relocating or otherwise changing any portion of a county highway shall be paid from funds available for rights of way for flood control purposes, unless the county road commissioner recommends to the board of supervisors that the cost of relocating a particular county highway should be paid from funds appropriated for county highway purposes, and the board of supervisors, upon said recommendation, finds that the relocating of said highway is of general benefit to the county. Changes in existing structures

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

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

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

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

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

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

Contracts (m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

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

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

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

Flood control (q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to construct any and all necessary drains or any other works and do any and every lawful act necessary to be done that the lands and other property within the district may be drained and protected from the effects of water, to maintain, repair, improve or protect any drains or other

works which are deemed necessary, to do any and all works necessary for the drainage of the lands of the district, to locate and acquire land needed for rights of way, including drains, canals, sloughs, water gates, embankments and water courses, and to construct works necessary to provide drains, canals, sloughs, water gates, embankments and water courses and to provide the materials for said construction; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to do any act necessary to furnish sufficient water in the district for any present or future beneficial use, to sell water for the benefit of the district, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose, to operate works and exercise water rights, property rights and privileges useful or necessary to convey, supply, sell, or make use of water for any purpose authorized herein, to supply, provide, and transport water for recreational purposes within or without the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district, to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; and to fix rates and charges for such purposes, all revenues received from the collection of the rates and charges as fixed to be used as follows: (a) to pay interest on a bonded debt; (b) so far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due; (c) pay the operating expenses of the district; (d) pay repairs and depreciation of works owned or operated by the district.

Contract with Federal Government 5 U S C §485, 43 U S C §§372-498

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902 and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 2. Section 12 of the act cited in the title is amended to read:

Tax power

Sec. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of two cents ($0.02) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

Maximum levy

Repeal

SEC. 3. Section 13 of the act cited in the title is repealed.

SEC. 4. Section 14 of the act cited in the title is amended to read:

Estimate of money needed to carry out act

Sec. 14. The board must estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board shall determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Repeal

SEC. 5. Section 15 of the act cited in the title is repealed.

SEC. 6. Section 16 of the act cited in the title is amended to read:

Special election

Sec. 16. After the adoption of said report and estimate of the amount of money required to be raised the board shall call a special election and submit to the qualified voters of said district the proposition:

Proposition

Shall the district incur a bonded indebtedness for the purpose of providing for the conservation, control and disposition of flood and storm waters of said district and to protect

from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, generating electric energy, and for any other purpose set forth in Section 3 hereof?

Resolution calling election

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the incurring of such indebtedness.

Precincts

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

Conduct

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

Voters

At such election all persons whose names appear on the last great register of County of Sonoma as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Publication of resolution

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Bond validity

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

Approval of indebtedness

If at such election, two-thirds or more of the votes are cast in favor of the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

SEC. 7. Section 17 of the act cited in the title is amended to read:

Failure of proposition

Sec. 17. Should the proposition be submitted to the electorate as provided in Section 16 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for six months after such election call or order another election in the district for the same purposes.

Repeal

SEC. 8. Section 18 of the act cited in the title is repealed

SEC. 9. Section 28 of the act cited in the title is amended to read:

Annual tax levy, etc

Sec. 28. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Property taxable

Such tax shall be levied upon all taxable property within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

Incorporation of state laws re taxes

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

Assessment taken on equalized roll, statements, etc

The board shall take the assessment on the equalized roll of the County of Sonoma as the basis for district taxes and have its taxes collected by the county officials of said county. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year.

Annual tax rate

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed,

The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

Lien on property

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

Compensation of county

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the board of supervisors of the County of Sonoma, and the board, except that such compensation shall not exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Repeal

SEC. 10. Section 29 of the act cited in the title is repealed

SEC. 11. Section 30 of the act cited in the title is amended to read:

Tax levy after first bond election

Sec. 30. After the first bond election in the district at which bonds shall be authorized by the electors of said district the board shall have power, in any year, to levy a tax upon the taxable property in said district as provided in Section 28 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon.

Maximum levy

SEC. 12. Section 30.1 is added to the act cited in the title hereof, to read:

Ordering improvements on public places, etc.

Sec. 30.1. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights of way owned by the district, any work or improvement for supplying or distributing an irrigation, domestic, or

other water supply or for fire protection or any work or improvement for controlling flood and storm waters within the district, or for providing, supplying, and transporting water for recreational purposes, any work or improvement in draining and protecting lands and other property within the district from the effects of water, and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any improvement district to be assessed therefor, which improvement district need not be composed of lands contiguous to each other.

SEC. 13. Section 30.2 is added to the act cited in the title hereof, to read:

Sec. 30.2. The work or improvement done pursuant to Section 30.1 shall be done and the cost thereof assessed and collected in accordance with the procedure and in pursuance of the provisions of the Improvement Act of 1911.

S & H C., §5000, ff

SEC. 14. Section 30.3 is added to the act cited in the title hereof, to read:

Stats 1913, p 421
S & H C., §4000, ff

Sec. 30.3. The Municipal Improvement Act of 1913 and the Street Opening Act of 1903 are also applicable to the district.

SEC. 15. Section 30.4 is added to the act cited in the title hereof, to read:

S & H C., §8700, ff

Sec. 30.4. The Improvement Bond Act of 1915 is also so applicable for use in conjunction with the Improvement Act of 1911 or with other improvement acts.

SEC. 16. Section 30.5 is added to the act cited in the title hereof, to read:

Use of acts

Sec. 30.5. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

SEC. 17. Section 30.6 is added to the act cited in the title hereof, to read:

Additional notice, etc

Sec. 30.6. As an additional notice, a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor, if the improvement district or any part thereof is in unincorporated territory, and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory, and shall remain an official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

SEC. 18. Section 30.7 is added to the act cited in the title hereof, to read:

Agreement with municipalities

Sec. 30.7. The district may enter into an agreement with any municipality within the district whereby any work or improvement constructed pursuant to the provisions of the Improvement Act of 1911 may be transferred to the municipality for operation and maintenance The power to make such an

agreement is conditioned upon a finding by the board that the residents of the district would be better served by such municipal operation and maintenance.

SEC. 19. Section 30.8 is added to the act cited in the title hereof, to read:

Definitions

SEC. 30.8. In the application of the acts referred to in all of the preceding sections, 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, and 30.7, the terms used in those acts shall have the following meanings:

(a) "City" refers to the Sonoma County Flood Control and Water Conservation District.

(b) "City council" or "legislative body" refers to the Board of Directors of the Sonoma County Flood Control and Water Conservation District.

(c) "Mayor" refers to the Chairman of the Board of Directors of the Sonoma County Flood Control and Water Conservation District.

(d) "Clerk" refers to the Secretary of the Board of Directors of the Sonoma County Flood Control and Water Conservation District

(e) "Council chambers" refers to the place designated by the Board of Directors of the Sonoma County Flood Control and Water Conservation District for holding its regular meetings.

(f) "Treasurer" refers to the Treasurer of the Sonoma County Flood Control and Water Conservation District.

(g) "Auditor" refers to the Auditor of the Sonoma County Flood Control and Water Conservation District.

(h) "Tax collector" means county tax collector.

(i) "Superintendent of streets" or "street superintendent" and "city engineer" refer to the Engineer of the Sonoma County Flood Control and Water Conservation District.

(j) "Right of way" refers to any parcel of land to which a right of way has been granted to the Sonoma County Flood Control and Water Conservation District.

(k) All words relating to municipal officers and matters refer to the corresponding officers of the Sonoma County Flood Control and Water Conservation District.

SEC. 20. Section 30.9 is added to the act cited in the title hereof, to read:

Appointment of officer

SEC. 30.9. The board may appoint an officer, other than the engineer, without compensation as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any law referred to in Sections 30.1 to 30.7, inclusive.

SEC. 21 Section 30.10 is added to the act cited in the title hereof, to read:

Engineer of work

SEC. 30.10. The board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in any law referred to in Sections 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, and 30.7 shall be performed by the engineer of work

whose compensation and expenses shall constitute an incidental expense in the cost of the work.

SEC. 22. Section 30.11 is added to the act cited in the title hereof, to read:

Same—Powers and duties

Sec. 30.11. The board may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the materials used shall comply with his specifications and be to his satisfaction, and that he shall submit an assessment to board for confirmation.

SEC. 23. Section 30.12 is added to the act cited in the title hereof, to read:

Contract Recording

Sec. 30.12. The contract shall be entered into by the engineer, and the assessment and warrant, when confirmed, shall be recorded in the office of the engineer.

SEC. 24. Section 30.13 is added to the act cited in the title hereof, to read:

Improvement districts

Sec. 30.13. Improvement districts may be formed in the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

SEC. 25. Section 30.14 is added to the act cited in the title hereof, to read:

Same Rights, powers, etc.

Sec. 30.14. The board shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in the district as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

SEC. 26. Section 30.15 is added to the act cited in the title hereof, to read:

Same Assessments

Sec. 30.15. Assessments in an improvement district in the district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

SEC. 27. Section 30.16 is added to the act cited in the title, to read:

Sec. 30.16. Notwithstanding any other provision of this act, no construction of any work or improvements shall be made or assessments levied or bonds issued therefor, under Sections 30.1 to 30.15, inclusive, of this act, without proceedings taken pursuant to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

S & H C, §2800, ff

SEC. 28. Section 35 of the act cited in the title is amended to read:

Special law

Sec. 35. The area of the district is subject to periodical floods during the rainy seasons precipitated by the waters of the Russian River, which river is an important potential source of water for domestic, industrial and agricultural uses inside and outside the watershed During the dry season, said river would be without water if it were not for the foreign waters

turned into the river. Recognizing this fact, the United States Army Engineers have made studies and recommendations for a proposed plan of improvement for flood control and allied purposes on the Russian River drainage basin located within the area of the district. The cost of adequate flood control and water conservation is beyond the means of the property owners and taxpayers of the district, and it is necessary to negotiate to obtain financial aid from the United States Government. It is recommended by the United States Government and it is desirable to immediately form a political entity to satisfactorily deal with the agency of the United States Government.

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

CHAPTER 1345

An act providing for surveys, plans, estimates of costs, and preliminary engineering, for a toll tube or other toll highway crossing across the Bay of San Diego from the City of San Diego to the City of Coronado, and making an appropriation therefor.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. The sum of two hundred thousand and no/100 dollars ($200,000.00), or so much thereof as may be necessary, is hereby appropriated out of the State Highway Fund for investigation and study of the feasibility of financing through revenue bonds and constructing a toll tube or other toll highway crossing, and for the surveys, plans, estimates of costs, preliminary engineering, and other preliminary expenses in connection with such tube or other crossing across the Bay of San Diego between the City of San Diego and the City of Coronado. Said appropriation shall be available to the California Toll Bridge Authority for expenditure through the Department of Public Works in accordance with the provisions of the California Toll Bridge Authority Act, or in the event a local governmental agency exists or is formed in San Diego County with power to construct and operate such a crossing through financing through revenue bonds, the California Toll Bridge Authority and such local agency may contract for the expenditure by such local agency of such funds for such purposes. Such contract shall contain such provisions as the California Toll Bridge Authority deems desirable to insure the economical expenditure of such funds for the purposes for which appropri-

Appropriation. Investigation, etc. of San Diego Bay crossing

S. & H. C., §30000, ff.

ated, and shall provide for repayment to the State Highway Fund of all sums turned over to such agency, together with interest thereon at the rate of 1½ percent per annum, from the first sale of revenue bonds by it, and in any event by July 1, 1954. In the event the work is performed by the California Toll Bridge Authority through the Department of Public Works, said authority shall return said appropriation, or so much thereof as may be used, with like interest, to the State Highway Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of said tube or other crossing under the provisions of the California Toll Bridge Authority Act.

Repayment

In the event that no revenue bonds are issued by the California Toll Bridge Authority or any local agency, or if for any other reason said amounts have not been repaid to the State Highway Fund, with interest as specified, as by July 1, 1954, the amounts shall be returned to the State Highway Fund by deductions from amounts required to be expended in the Cities of San Diego and Coronado on major city streets from said funds. Such deductions shall be made in eight (8) equal quarterly installments, 95 percent of each installment to be charged against the funds available for expenditure in the City of San Diego and the remainder from those available for expenditure in the City of Coronado

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CHAPTER 1346

An act to amend Sections 30004, 30005, 30006, 30008, 30100, 30101, and 30155 of the Streets and Highways Code, relating to toll bridges, subways, tunnels, tubes, ferries and highways.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 30004 of the Streets and Highways Code is amended to read:

"Toll bridge," etc

30004. "Toll bridge," "bridge," "subway," "tunnel," "tube," and "highway crossing" include all appurtenances and additions, alterations or improvements thereto or replacements thereof, and the approaches to each end thereof, all lands and interest therein used therefor, and buildings and improvements thereon.

SEC. 2. Section 30005 of said code is amended to read:

"Transportation facilities"

30005. "Transportation facilities" means all facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, to be acquired or constructed, or in course of construction pursuant to this chapter. "Transportation facilities" includes terminals, stations,

viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights of way upon which any of them are located or situated or which are necessary therefor, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.

SEC. 3. Section 30006 of said code is amended to read:

"Additional transportation facilities"

30006. "Additional transportation facilities" means all facilities for the transportation of passengers and property connected or coordinated with or to be connected or coordinated with the transportation facilities of any toll bridge, tube or other toll highway crossing constructed or acquired, or to be constructed or acquired, or in the course of construction or acquisition pursuant to this chapter so as to provide a system of transportation for persons or property to and from that toll bridge or other toll highway crossing and the area within 50 miles from either end of that toll bridge or other toll highway crossing. "Additional transportation facilities" includes all of the personal and real properties, easements, rights of way, franchises, rights, and privileges which are included in "transportation facilities," without limitation to the use thereof for the transportation of passengers and property to and over any toll bridge or other toll highway crossing, to the extent that the use thereof in connection or coordination with the transportation facilities of any toll bridge or other toll highway crossing provides a system of transportation for persons or property to and from that toll bridge or other highway crossing and the area within 50 miles from either end of that toll bridge or other toll highway crossing.

SEC. 4. Section 30008 of said code is amended to read:

Appropriations in aid

30008. Nothing in this chapter prevents the State from making appropriations from time to time in aid of the acquisition or construction pursuant to this chapter of any toll bridge, tube or other toll highway crossing, or property, franchises, or rights appurtenant thereto, or the transportation facilities thereof or thereto, or for the purpose of making preliminary surveys, plans, and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature deems proper.

SEC. 5. Section 30100 of said code is amended to read:

Acquisition and construction of bridges, etc

30100. Whenever in the opinion of the authority and of the department it is necessary or desirable so to do, the authority shall authorize and direct the department to build or acquire for and in the name of the State any or all of the following:

(a) Toll bridges, tubes or other toll highway crossings across water, bays, arms of bays, straits, rivers, and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state.

(b) Transportation facilities of any toll bridges or toll highway crossings constructed or acquired or to be constructed or acquired pursuant to this chapter.

(c) Additional transportation facilities connecting or coordinated with any such toll bridge or other highway crossing or the transportation facilities thereon.

The authority may authorize and direct the department to pay for any such construction or acquisition out of any funds provided or made available by this chapter. Whenever a project consists of a tube or tunnel which will accommodate traffic served by a privately owned ferry the authority may acquire such ferry.

SEC. 6. Section 30101 of said code is amended to read:

Toll rates, etc

30101. The authority shall fix the rates of toll and other charges for all toll bridges, tubes or other toll highway crossings acquired or built pursuant to this chapter

SEC. 7. Section 30155 of said code is amended to read:

Tubes, etc

30155. The authority may authorize the department to acquire or construct tubes, tunnels, subways, underpasses or overpasses either in connection with bridges or as separate highway crossings whenever the department deems such acquisition or construction advisable. All of the provisions of this chapter shall be fully applicable to the tubes, tunnels, subways, underpasses or overpasses, the acquisition and construction of which is so authorized, and they shall be included within the word "bridge."

CHAPTER 1347

An act to provide for the organization, incorporation and government of municipal corporation tunnel authorities, authorizing and empowering such authorities to acquire, construct, operate and manage tunnels or tubes under, through or across waters, straits, bays, arms of bays, rivers, estuaries or streams of water which are within or bound or lie or border upon any municipal corporation in this State, to issue revenue bonds to pay for the acquisition and construction of such tunnels or tubes, and to charge and collect charges or tolls for the use of said tunnels or tubes.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

Short title

SECTION 1. This act shall be known as "The Municipal Corporation Tunnel Authority Act."

Municipal corporation tunnel authority

SEC. 2. A municipal corporation tunnel authority may be created as herein provided, and when so created may exercise the powers herein granted. One or more municipal corporations whose areas border upon or lie adjacent to the same body of water, strait, bay, arm of bay, river, estuary or stream within this State may organize and create a municipal corporation tunnel authority. Each such authority when so organized shall be a separate and independent political corporate entity.

SEC. 3. Municipal corporations, within the meaning of this act, are defined to be cities organized under freeholder charters or under general laws. Municipal corporations

SEC. 4. The procedure for organizing and creating a municipal corporation tunnel authority under the provisions of this act is as follows: Organization procedure

A resolution shall first be passed by the legislative bodies of two or more of the municipal corporations to be included in the proposed authority, declaring that in their opinion the public interest or necessity demands the creation and maintenance of a municipal corporation tunnel authority, to be known as "The (giving the name) Municipal Corporation Tunnel Authority." Said resolutions may state the names of the municipal corporations who propose to organize such authority, and in that case such names shall constitute a sufficient description of the area of the authority. Certified copies of said resolutions shall be presented to the board of supervisors of the county containing the largest number of registered electors within the area of the proposed authority, requesting said board to call an election without delay for determining whether such authority shall be created. Instead of said resolutions a petition may be presented to the board of supervisors of said county, signed by qualified electors within the boundaries of the municipal corporations designated to form the said authority equal in number to at least 10 percent of the total vote cast at the last general state election within the municipal corporations proposed to be included in said authority. Said petition shall contain substantially the same declarations and statements required to be contained in the resolutions aforementioned, and declare that, in the opinion of the petitioners the public interest or necessity demands the creation and maintenance of a municipal corporation tunnel authority. Such petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it certifying that each name signed thereto is the true signature of the person whose name it purports to be. The clerk of the board of supervisors of said county shall compare the signatures with the affidavits of registration and certify to the sufficiency or insufficiency of such petition.

SEC. 5. Upon receipt of certified copies of the resolutions aforementioned or of a sufficient petition as aforesaid, said board of supervisors shall call an election within each of the municipal corporations named in said resolutions or said petition, without delay, for the purpose of determining whether the proposed district shall be created and established. Election

SEC. 6. The board of supervisors of said county shall give notice of said election by publishing the same once a week for at least three weeks before the date of said election in a newspaper of general circulation published within the area of the proposed authority. In case no newspaper of general circulation is published within said area said notice shall be posted for at least three weeks in not less than three public places in each of the municipal corporations designated to form the pro- Notice

posed authority. Said notice shall state, among other things, the name of the proposed authority and set forth the municipal corporations proposed to be included therein. The ballot for said election shall contain such instructions as required by law to be printed thereon, and in addition thereto there shall appear the following:

Ballot

"Shall the (giving the name thereof) municipal tunnel authority be created and established?"	YES	
	NO	

Said election, and all matters pertaining thereto, not otherwise provided for herein, shall be held and conducted and the results thereof ascertained, determined and declared in accordance with the general election laws of the State as nearly as may be, and no person shall be entitled to vote at said election unless he or she be a qualified elector of one of the municipal corporations proposed to be incorporated in the proposed authority. Said elections may be held on the same day or consolidated with any other state, county or city election. The board of supervisors shall meet on Monday next succeeding the date of said election and canvass the votes cast thereat. They shall canvass the returns of each municipal corporation separately, and shall order and declare said authority created and established consisting of the municipal corporations in which a majority of those who voted on the proposal voted in favor of the creation of said authority; provided, however, that in order to form such authority the majority of the votes of at least two of the municipal corporations proposed to be included in such authority shall be necessary to create such authority. The board of supervisors shall cause a certified copy of said order declaring the result of said election to be filed in the office of the Secretary of State and with the legislative body of each of the municipal corporations in which said election was held. From and after the filing of said order in the office of the Secretary of State the establishment of said municipal corporation tunnel authority shall be deemed complete. The board of supervisors calling the election shall make all provisions for the holding thereof throughout the entire area of the authority as proposed, and the cost thereof shall be a proper charge against each of the municipal corporations concerned. The legislative body of each municipal corporation designated to form part of the authority in either the resolutions or the petition aforementioned shall upon receipt of proper notice from said board of supervisors as to the proportionate share of the cost of said election to be borne by the municipal corporation concerned appropriate in favor of the county the proportionate share to be borne by said municipal corporation of the cost of said election. No informality in any proceeding or in the conduct of said election not substantially affecting adversely the legal rights of any citizen shall be held to invalidate the incorporation of any municipal corporation tunnel authority, and any proceeding attacking the validity of said election shall be

Conduct

Voters

Canvass

Declaration of result

Costs

Effect of informality

Attacking validity

commenced within three months from the date of the filing of the aforesaid order with the Secretary of State, otherwise said incorporation and the legal existence of said authority shall be held to be valid and in every respect legal and incontestable.

Power of authority

SEC. 7. Any authority incorporated as herein provided shall have power:

Succession

(1) To have perpetual succession.

Suits

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction

Seal

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

Property

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the authority necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facility and means necessary or convenient to the exercise of its powers, both within and without the authority, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

Eminent domain

(5) To have and exercise the power of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted. In any proceeding relative to the exercise of such power of eminent domain, the authority shall have the same rights, powers and privileges as a municipal corporation.

Employees

(6) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary for the transaction of the business of the authority, and to elect, appoint and employ only such officers, attorneys, agents and employees therefor as shall be found by the governing board to be necessary for the transaction of the business of the authority.

Tunnels tubes

(7) To acquire, construct, operate and maintain tunnels or tubes under, through or across waters, straits, bays, arms of bays, rivers, estuaries or streams of water which are within or bound or lie or border upon any municipal corporation in the authority, and in the management and operation of said tunnels or tubes to provide facilities as will permit such tunnels or tubes to be used for the transportation of passengers and property under and across the bodies of water separating the municipal corporations forming said authority. Whenever a tube or tunnel to be constructed by an authority incorporated hereunder will accommodate traffic served by a privately owned ferry such authority may acquire such ferry, and all its assets, liabilities, and obligations, including any and all its liabilities and obligations to its employees.

Toll, etc., charges

(8) To fix through its governing board the rates of toll and other charges for the use of said tunnel or tube for the transportation of passengers or property. In fixing said rates of toll the governing board of said authority shall give consid-

eration to the cost of operating and maintaining any particular tunnel or tube, including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments thereon. At all times the tolls and charges shall be fixed at rates to yield annually revenue equal to annual operation and maintenance expenses, including insurance costs and all redemption payments and interest charges of the bonds issued for any particular tunnel or tube as they fall due. Toll charges and other charges so fixed may be changed from time to time as conditions warrant, and neither the authority nor the governing body of said authority shall have power to collect under this act any toll charges or other charges in amounts greater than is necessary to operate and maintain such tunnel or tube, including the cost of insurance and to meet annually the cost of redeeming bonds and interest payments thereon, and to set aside annually such sum for depreciation as may be necessary to keep such tunnel or tube in a state of good repair or replace the same if necessary.

Franchises

(9) The authority shall also have power to grant franchises for terms not to exceed 25 years to any public transportation utility, upon such terms and conditions as the authority shall determine by its governing board, with the further provision that the grantee of such franchise shall pay to the authority a reasonable sum per year for the use of said tunnel or tube. All such franchises shall be granted only after competitive bidding therefor.

Revenue bonds

(10) The authority, through its governing board, whenever it is determined that it is for the best interests of the authority that a tunnel or tube be constructed, acquired and operated by the authority, shall have the power to issue revenue bonds for the purposes of the acquisition at such time and in such amount as the governing board deems best. The authority shall, however, before issuing or selling any bonds issued for the purpose of acquiring and constructing any such tunnel or tube, first secure plans and specifications therefor, the cost of which shall be deemed to be part of the cost of said tube or tunnel, together with estimates of the cost of the acquisition thereof, estimates of the amount required to be raised for that purpose by the issuance of revenue bonds, and an estimate of the toll charges necessary to pay, in addition to all operating and maintenance expenses including depreciation and insurance, the interest and redemption of the revenue bonds proposed to be issued. Thereafter, before such bonds are actually issued or sold the authority, by a vote of at least two-thirds, the board of directors shall adopt a resolution that the public interest and necessity require the acquisition of the tunnel or tube and the issuance of revenue bonds for the purposes of such acquisition at such times and in such amounts as are set forth in said resolution. The said resolution shall also specify the maximum amount of bonds to be issued for the purposes of such acquisition, and bonds shall not be issued or sold in an amount exceeding the specified maximum amount. The bonds may be

sold either upon competitive bids or otherwise, and the bidder or purchaser shall specify the interest to be paid on such bonds, subject to the limitation that the authority shall not be required to pay in excess of 7 percent as interest on any bonds so issued.

The revenue bonds authorized pursuant to this act may be issued and sold by the authority from time to time and in such amounts as the authority deems necessary to provide sufficient funds for the purposes for which the bonds were authorized, including the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter and the proceeds thereof are available for those purposes.

Bond agreements

(11) Whenever any bonds are to be issued pursuant to this act the authority from time to time, upon such terms and conditions that it approves and consistently with this act, may enter into agreements containing any and all of the following provisions:

(a) Providing for the amount, form, maturities, registration, transfer and interchange of the bonds and coupons, and the terms and conditions upon which they shall be issued, sold, paid, retired, funded and refunded.

(b) Providing for a sinking fund for the bonds, and designating a trustee or trustees which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive and disburse the revenues of the tunnel or tube.

(c) Providing that as long as any of such bonds are outstanding there shall be raised in each year by tolls not less than the minimum amount required for interest, sinking fund, redemption and reserve requirements for the bonds, in addition to the amount needed for current operating and maintenance expenses, including insurance costs, depreciation and replacement costs required to be paid from such sources.

Refunding bonds

(12) The authority shall also have power from time to time, or at one time, to issue and sell or exchange funding or refunding bonds for the purpose of retiring, paying, funding or refunding either all or such part of the outstanding bonds, or of one or more issues or series thereof, as it deems advisable. Such funding or refunding bonds shall be issued and delivered only when the issue or series of bonds to be funded or refunded have matured, are about to mature, are subject to retirement before maturity, or, if the outstanding bonds are not subject to retirement, the retirement thereof has been assured or obtained by the consent of the holders thereof. Funding or refunding bonds may be delivered wholly or in part in exchange for outstanding bonds to be funded or refunded thereby if the holders of the outstanding bonds to be exchanged consent thereto.

Neither original bonds, funding or refunding bonds shall ever constitute a debt or obligation of either or any of the municipal corporations forming the authority.

Bonds for enlargement

(13) In connection with any issue of bonds pursuant to this act the authority may provide for the issuance of bonds for the enlargement or extension of any tunnel or tube, or to change the structure or design of such tunnel or tube, in order to afford new or greater facilities for any type or class of traffic, including railroad or interurban facilities, or to reimburse the authority for expenditures made in connection with any of these purposes.

Negotiability of bonds

(14) All bonds issued pursuant to this act are negotiable instruments under the law merchant.

Tax exemption of bonds

(15) All bonds issued pursuant to this act and the income therefrom are at all times exempt from taxation, except for transfer, inheritance and estate taxes

Security for repayment of bonds

(16) The payment of both principal and interest of all bonds issued pursuant to this act shall be secured only by the tolls or other revenues collected from the particular tunnel or tube for which the bonds were issued, other revenues and interest thereon, and sinking funds created therefrom, received by the authority, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this act.

Powers, etc., of board of directors

SEC. 8. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any executive, administrative and administerial power may be by said board of directors delegated and redelegated to any of the offices created thereby, or by the board of directors acting hereunder. The board of directors herein referred to shall consist of two representatives from each municipal corporation forming the authority, at least one of whom shall be the mayor or a councilman of said city. Such representatives shall be designated and appointed by the chief executive officer of said municipal corporations respectively with the consent and approval of the legislative bodies of said municipal corporations respectively. Members of the board of directors shall hold office for a term of four years and until their successors are appointed and qualified; provided, however, that every member appointed by the city concerned shall be subject to recall by the voters of the municipal corporations from which such member is appointed in accordance with the regular provisions of the freeholder charter or other law applicable to such municipal corporation; and provided, further, that any such member may be recalled by a two-thirds vote of the governing body of the municipal corporation from which such member is appointed. In addition to the representatives appointed by each municipal corporation there shall be an additional member of said board of directors who shall be selected by a majority vote of the representatives from each of the municipal corporations. Such additional member of the board of directors shall serve for a term of four years after his selection, but shall be subject to removal at any time by a unanimous vote of the remaining members of the board of directors. As a mem-

ber of the board of directors each director shall be entitled to vote on all questions coming before the board of directors, and it shall require a majority vote of the members of the board of directors to authorize any action by said authority. The first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening shall draw lots as to the terms to be served by the representatives of the cities. One of the representatives first appointed shall serve a term of two years and the other four years; and thereafter each representative thus appointed shall serve the full term of four years or until his successor is appointed and qualified. The board of directors shall elect from its membership a chairman, vice chairman and secretary who shall serve for a period of two years, or until their respective successors shall have been elected or qualified. Thereafter the board of directors shall select a regular meeting place and determine for itself the times of regular meetings and provide for such special meetings as said board may deem necessary for the conduct and transaction of the authority's business. At least one regular meeting of the board of directors shall be held each month of the calendar year.

Same

SEC. 9. All matters and things necessary for the proper administration of the affairs of said authority which are not provided for in this act shall be provided for by the board of directors of the authority by ordinance.

Annual appropriation by municipal corporations

SEC. 10. Until the tunnel or tube is actually constructed and in operation and tolls and charges received for the use thereof, each municipal corporation forming the authority shall appropriate annually for the use of said authority its proportionate share of the cost of maintaining said authority during such period. The board of directors shall also have the right to call upon member cities of the authority to furnish such personnel help as may be requested by said board. Until the tunnel or tube is in operation and tolls and charges are being received for the use thereof, the cost of such personnel furnished by each municipal corporation shall be paid for by the city furnishing such personnel; thereafter the cost of services of the personnel so furnished shall be paid for out of the tolls and charges received for the use of the tunnel or tube; provided, however, that each city shall be entitled to be reimbursed for any such costs so expended by the authority out of revenues derived by said authority as soon as sufficient funds are available for such reimbursement purposes.

Severability

SEC. 11. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1348

An act to amend and renumber Section 1523.5 of the Welfare and Institutions Code, as added thereto by Chapter 709 of the Statutes of 1951, to be Section 1552.4 thereof, relating to aid to needy children.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 1523.5 of the Welfare and Institutions Code, as added thereto by Chapter 709 of the Statutes of 1951, is amended and renumbered to read:

Deserted, etc., needy child. Investigation

1552.4. Whenever aid has been granted to a needy child who has been deserted or abandoned by a parent the board of supervisors shall immediately notify the district attorney of the county that such aid has been granted. Within 60 days after the date of such notification the district attorney shall investigate such cases of desertion and report to the appropriate county welfare department the results of any action taken by him.

CHAPTER 1349

An act to add Section 1508 to the Welfare and Institutions Code, relating to aid to needy children, in respect to the obligations of stepfathers to support needy children.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 1508 is added to the Welfare and Institutions Code, to read:

Stepfather's income

1508. Where a needy child as defined in this chapter lives with his mother and stepfather, the amount of the grant made pursuant to Section 1511 of this code shall be computed after consideration is given to the income of the stepfather. The county granting aid shall determine if the stepfather is able to support the child either wholly or in part. Said determination shall be based upon a standard which takes into account the stepfather's income and expenses under regulations set forth by the Department of Social Welfare. Aid shall not be withheld from any child because of the failure of a stepfather to contribute to his support. Nothing in this section shall be construed to alter the legal obligations of a natural father to support his children.

CHAPTER 1350

An act to amend Section 1525 of the Welfare and Institutions Code, relating to residence qualifications for aid to needy children

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1525 of the Welfare and Institutions Code is amended to read:

1525. No child is eligible to receive aid unless he has residence in the State. Residence qualifications for child aid

For the purposes of this chapter, a child who meets any of the following qualifications has residence in the State:

(a) If he has been physically present in the State for one year immediately preceding the date of application.

(b) If his parent or parents have resided in the State for the period of one year immediately preceding the date of application.

(c) If the parent or other relative with whom the child is living has resided in the State for the period of one year immediately preceding the birth of the child and the child was born within one year immediately preceding the date of application.

(d) If he is born in the State.

CHAPTER 1351

An act to amend Sections 1502.5, 1509.7, 1509.9, 1513, 1518.2, 1535.3, 1541, 1560, 1562, 1571, 1581, 1586, 1587, and to repeal Article 10.5, comprising Sections 1595 to 1598, inclusive, of, and to add Sections 1505.5, 1535.7, 1535.8, 1542, 1585, and 1587.5 to, the Military and Veterans Code, and to amend Section 8.5 of the Civil Defense Act of 1950, relating to civil defense, declaring the urgency thereof, to take effect immediately.

Stats. 1950 (3d Ex. Sess.), Ch. 3

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect immediately

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

SECTION 1. Section 1502.5 of the Military and Veterans Code is amended to read:

1502.5. State and local disaster councils may be known and referred to as "civil defense and disaster councils" whenever Congress has declared war and peace has not been restored, whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared, or whenever the United States is assisting "Civil defense and disaster councils"

the United Nations, in actions involving the use of armed force to maintain or restore international peace and security.

SEC. 2. Section 1505.5 is added to said code, to read:

"State of extreme emergency"

1505.5. A "state of extreme emergency" exists immediately and without a proclamation thereof by the Governor whenever this State is attacked by an enemy of the United States by the use of atomic weapons. A period of a state of extreme emergency existing as provided in this section shall be ended in the same manner as a state of extreme emergency proclaimed by the Governor.

SEC. 3. Section 1509.7 of said code is amended to read:

Assistance by public agencies, etc

1509.7. Each department, division, bureau, board, commission, officer and employee of this State and of each agency, political subdivision, or local governmental unit of the State shall render all possible assistance to the Governor in carrying out the provisions of this chapter.

SEC. 4. Section 1509.9 of said code is amended to read:

M & V C, §1500, ff

1509.9. The Governor is empowered to expend any appropriation for support of the California Disaster Act or the Civil Defense Act of 1950 to carry out the provisions of this chapter.

SEC. 5. Section 1513 of said code is amended to read:

Duties of Disaster Council

1513. It shall be the duty of the Disaster Council, and it is hereby empowered:

To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action. The Disaster Council shall meet upon call of the Governor. During any war declared by Congress or during any national emergency proclaimed by the President of the United States, the Disaster Council shall meet not less frequently than once every other month on a day to be designated by the Governor. Notice of such meeting shall be given to each member of the Disaster Council not less than 15 days prior to the day selected by the Governor for the meeting of the council.

It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To prepare and recommend for consideration by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve interregional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a state department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the

State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built around mutual aid and integrate into such plan the several state departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate state communications systems with particular regard to their adequacy in case of disaster.

SEC. 6. Section 1518.2 of said code is amended to read:

1518.2. The Governor, with the approval of the Senate, shall designate one person in the Office of Civil Defense to act as the Director of Civil Defense, and may fix the salary of such person at not to exceed twelve thousand dollars ($12,000) per annum. The Director of Civil Defense shall have all of the rights and powers of a head of a department except those conferred by Section 11154 of the Government Code. In addition to the powers herein designated, the Governor may delegate any of the powers vested in him under this chapter to the Director of Civil Defense and to the regional or area coordinators appointed by the Governor except the power to make appointments, the power to fix salaries, the power to make, amend, and rescind orders, rules, and regulations, and the power to proclaim a state of extreme emergency. Director of Civil Defense

SEC. 7. Section 1535.3 of said code is amended to read:

1535.3. The Governor may, in accordance with the plan and program for the civil defense of this State: Powers of Governor

(a) Ascertain the requirements of the State or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack.

(b) Plan for and procure supplies, medicines, materials, and equipment.

(c) Use and employ from time to time any of the property, services, and resources of the State for the purposes set forth in this chapter.

(d) Make surveys of the industries, resources, and facilities within the State as are necessary to carry out the purposes of this chapter.

(e) Institute training programs and public information programs.

(f) Plan for the use of any private facilities, services and property and when necessary, and when in fact used, to provide for payment for such use under such terms and conditions as may be agreed upon.

(g) Take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of

actual disaster, and including the ordering of test exercises, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(h) Provide for mobile support units.

SEC. 8. Section 1535.7 is added to said code, to read:

Validation of agreement

1535.7. The California Disaster and Civil Defense Master Mutual Aid Agreement as heretofore approved by the Governor on behalf of the State of California and all its departments and agencies, and all mutual aid operational plans or agreements duly adopted or approved by the State Disaster Council or the Governor are hereby confirmed, validated and declared legally effective. The terms "mutual aid agreements" or "agreements" as used in this chapter shall include "operational plans."

It is the purpose of the Legislature in enacting this section to facilitate the adoption of civil defense mutual aid operational plans and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Mutual aid operational plans duly adopted by the State Disaster Council shall be effective for the purposes provided in the California Disaster and Civil Defense Mutual Aid Agreement.

SEC. 8.5. Section 1535.8 is added to said code, to read:

Liability of other states

1535.8. No other state or its officers or employees rendering aid in this State pursuant to any interstate arrangement, agreement or compact shall be liable on account of any act or omission in good faith on the part of such state or its officers or employees while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with civil defense.

SEC. 9. Section 1541 of said code is amended to read:

Disposition of funds

1541. Any funds appropriated for the support of the Disaster Council or for the purposes of this chapter shall be allotted by the Director of Finance to a state agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction in carrying out the objects and purposes of this chapter In the absence of a state of extreme emergency, extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided, that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council.

In addition to any appropriation made to support activities contemplated by this act, the Governor is empowered to make expenditures from any fund legally available in order to deal with disaster or threatened disaster conditions should they occur.

SEC. 9.5. Section 1542 is added to said code, to read:

Use of agency personnel, property, etc

1542. Subject to the approval of the Department of Finance, any state agency may use its personnel, property, equipment and appropriations for carrying out the purposes of this chapter, and in that connection may loan personnel to

the Office of Civil Defense. The Department of Finance shall determine whether reimbursement shall be made to any state agency for expenditures heretofore or hereafter made or incurred for such purposes from any appropriation available for the Office of Civil Defense, except that as to any expenditure made or incurred by any state agency the funds of which are subject to constitutional restriction which would prohibit their use for such purposes, such reimbursement shall be provided and the original expenditure shall be considered a temporary loan to the General Fund of the State.

SEC. 10. Section 1560 of said code is amended to read:

Mutual aid regions

1560. The Governor with the advice of the Disaster Council is hereby authorized and empowered to divide the State into mutual aid regions or areas.

SEC. 11. Section 1562 of said code is amended to read:

Mutual aid plans Extreme emergency

1562. During any state of extreme emergency when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional, area or other basis.

It shall be the duty of local public officials to comply with such plans.

In periods of local peril or emergency local governmental agencies have full power to exercise mutual aid powers in accordance with local ordinances, resolutions, agreements or plans therefor.

SEC. 12. Section 1571 of said code is amended to read:

Local disaster councils

1571. Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop a plan for meeting any condition of extreme peril or any condition which is specified in Section 1505 as constituting the basis for a declaration of extreme emergency; such plan shall provide for the effective mobilization of all the resources of the community, both public and private. The legislative body of a county, city and county or city may in such ordinance or by resolution adopted pursuant to such ordinance, provide for the organization, powers and duties, divisions, services and staff of the civil defense and disaster organization. The legislative body of a county, city and county or city may, by resolution, authorize public officers, employees and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a period of a state of extreme emergency.

Counties, cities and counties, and cities may enact ordinances and resolutions and either establish rules and regulations or authorize disaster councils to recommend to the local director of civil defense rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis, and to this end may enter into agreements. In the absence of a declaration of a state of extreme emergency, state personnel and equipment may be employed in

accordance with any mutual aid plan or agreement, or at the direction of the Governor.

Any war, defense or disaster council established by any county, city and county, or city, existing as of the effective date of this chapter, and previously certified as an accredited war, defense or disaster council by the California State War Council shall, for the purposes of this chapter or any other law of this State, constitute a disaster council.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution

SEC. 13 Section 1581 of said code is amended to read:

Authority of Governor during extreme emergency

1581. During a period of a state of extreme emergency the Governor shall have complete authority over all agencies of the State Government and the right to exercise within the area or regions designated all police power vested in the State by the Constitution and the laws of the State of California, in order to effectuate the purposes of this chapter. In exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall whenever practicable be prepared in advance of a state of extreme emergency and the Governor shall cause widespread publicity and notice to be given such rules, regulations and orders. Rules, regulations and orders issued under the authority of this section and prepared in advance of a state of extreme emergency shall not become operative until the Governor proclaims a state of extreme emergency Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the Secretary of State as soon as possible after their issuance A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county any portion of which is included within any one of the protective regions wherein a state of extreme emergency has been proclaimed Whenever the period of a state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or by proclamation of the Governor declaring the period of a state of extreme emergency, to be at an end or as provided in this chapter, the rules, regulations or orders promulgated or issued by the Governor during such period shall be of no further force and effect.

SEC. 14. Section 1585 is added to said code, to read:

Same Private property

1585. In the exercise of the emergency powers hereby vested in the Governor during a period of a state of extreme emergency, he is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibility hereby vested in him as chief executive of the State and the State shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any newspaper or news-

paper wire service but may, during a period of a state of extreme emergency and if no other means of communication are available, utilize any newspaper wire service and the State shall pay the reasonable value of such use. In so utilizing a newspaper wire service, the Governor shall interfere as little as possible with the use of such wire service for the transmission of news.

SEC. 15. Section 1586 of said code is amended to read:

Same Claims for reimbursement

1586. Before payment may be made by the State to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during the period of a state of extreme emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Government Code of the State of California governing the presentation of claims against the State for the taking or damaging of private property for public use which provisions shall govern the presentment, allowance or rejection of such claims and the conditions upon which suit may be brought against the State. Payment for such property or services shall be made from any funds appropriated by the State for such purpose.

SEC. 16. Section 1587 of said code is amended to read:

Extra-territorial duties Use of equipment, etc

1587. In the event that the Governor, during the state of extreme emergency and in the exercise of the emergency powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of extreme emergency in the event that any equipment owned, leased or operated by any county, city and county, city or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 1586 of this chapter. Such agency shall have no claim against the State for services of such personnel or for the rental, use or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the per-

formance of any of their functions and duties extraterritorially under the provisions of this chapter.

Any physician and surgeon (whether licensed in this or any other state), hospital, nurse, or dentist that renders services during a period of any state of extreme emergency, at the express or implied request of any state official or agency or state or local disaster council, shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a wilful act or omission.

SEC. 16.5. Section 1587.5 is added to said code, to read:

Out of state licensees

1587.5. During the period of a state of extreme emergency and in the area in which said emergency is declared to exist, any person holding a license, certificate or other permit issued by any state evidencing the meeting of the qualifications of such state for professional, mechanical or other skills, may render aid involving such skill to meet the emergency or disaster as fully as if such license, certificate or other permit had been issued in this State if a substantially similar license, certificate or other permit is issued in this State to applicants possessing the same professional, mechanical or other skills.

Repeal

SEC. 17. Article 10.5, comprising Sections 1595 to 1598, inclusive, of said code, is repealed.

SEC. 18. Section 8.5 of the Civil Defense Act of 1950 is amended to read:

Duration

Sec. 8.5. The provisions of this act shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no effect.

Urgency

SEC. 19. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The ability of the people of the State of California to minimize the effects of enemy attack, sabotage and disaster depends largely upon the immediate completion of civil defense and disaster relief planning and programming. In order to perfect plans and complete essential civil defense programs in cooperation with state agencies and political subdivisions at the earliest possible date it is necessary that this act take effect immediately.

CHAPTER 1352

Stats 1927, p 1325, amended

An act to amend Sections 2.2 and 14 of the Orange County Flood Control Act, relating to the purchase and resale of water and authorizing the levy and collection of additional

taxes for such purposes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect immediately

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

SECTION 1. Section 2.2 of the Orange County Flood Control Act is hereby amended to read:

Sec. 2.2. In addition to its other powers, the district shall have the power to increase, and to prevent the waste or diminution of the water supply in, or unlawful exportation of water from, the district; to obtain, retain, conserve and reclaim drainage, storm, flood and other water, within or outside of the district, for beneficial use within the district; and to appropriate and acquire water and water rights, and import water into the district; to purchase water within or outside of the district for beneficial use within the district and, whenever the board of supervisors shall find it to be in the best interests of the district so to do, to sell such water for agricultural, domestic or other beneficial purposes within the district upon such terms and conditions as may be prescribed by the board of supervisors. Additional powers re water supply

SEC. 2. Section 14 of said act is hereby amended to read:

Sec. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon all taxable property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of constructing, maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenues derived from said tax shall be paid into the county treasury to the credit of the construction and maintenance fund of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that the maximum tax levied under this section for any one fiscal year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon. Provided further, however, that out of the tax revenues of any fiscal year authorized by said maximum tax rate no amount in excess of an amount equal to ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the district shall be expended or appropriated for the purposes and objects of this act other than for the purchase of water, and that all amounts in excess thereof shall be used exclusively to pay for the purchase of water and the distribution thereof and for any necessary expenses incidental thereto. Power to levy taxes

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public Urgency

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

Because of the subnormal rainfall during the past few years together with an ever increasing population, Orange County is faced with a critical underground water shortage which, aggravated by the consequent intrusion of salt water in certain areas of the county, jeopardizes the agricultural industry and the health, safety and welfare of the residents of the county. The immediate replenishment of the underground water supply is imperative. The Orange County Flood Control District proposes to alleviate this critical condition by the purchase of water, within and outside of the district, for beneficial use within the district, which embraces the entire County of Orange. This act is necessary to empower the district to carry out the foregoing program and to meet the added costs thereof. In order, therefore, that the critical overdraft of the underground water resource of the County of Orange may be alleviated, it is necessary that this act take effect immediately.

CHAPTER 1353

An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

Appropriation Auditing expenditures

SECTION 1. The sum of nineteen thousand one hundred ninety dollars ($19,190) is hereby appropriated from the Postwar Unemployment and Construction Fund to the emergency fund specified in Item 278 of the Budget Act of 1949, to reimburse said emergency fund for money allotted to the State Controller therefrom for the costs of auditing expenditures made pursuant to Chapter 47, Statutes of 1944 (Fourth Extraordinary Session).

CHAPTER 1354

An act to amend Section 9511 of the Business and Professions Code, relating to dry cleaning.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 9511 of the Business and Professions Code is amended to read:

"Dry cleaning agency"

9511. "Dry cleaning agency" means any premises, business, building, room, shop, store, or establishment, including an establishment commonly known to the trade as a pickup shop, tailor shop, or secondhand clothing shop, upon, in, or through which is conducted, maintained, or operated a service outlet or inlet for receiving and delivering wearing apparel, feathers, furs, hats, fabrics, or textiles as to which a spotting, sponging, dry cleaning, dyeing, renovating, or pressing or other finishing service is to be performed.

A person does not conduct a dry cleaning agency within the meaning of this chapter if no charge is made for the services rendered and the only compensation received is a gratuity.

Nothing herein contained shall be deemed to be applicable to any salaried or commission driver using the firm name and address, or the telephone number, or the sales tags or billheads of a regularly licensed dry cleaning plant, cleaning and dyeing plant, cleaning and dyeing shop or store, or a spotting, sponging or pressing establishment.

CHAPTER 1355

An act providing for the constitution of the municipal court in a district embracing the City of Santa Barbara, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

Santa Barbara municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of Santa Barbara shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge, who shall receive eight thousand seven hundred dollars ($8,700) per annum, payable in equal monthly installments;

(2) There shall be one clerk, who shall receive four thousand five hundred dollars ($4,500) per annum, payable in equal monthly installments, and who may appoint the following:

One chief deputy clerk, who shall receive a salary of three thousand six hundred dollars ($3,600) per annum, payable in equal monthly installments;

Two deputy clerks, each of whom shall receive a salary of two thousand seven hundred dollars ($2,700) per annum, payable in equal monthly installments.

(3) There shall be one marshal, who shall receive a salary of four thousand two hundred dollars ($4,200) per annum, payable in equal monthly installments; and

One deputy marshal, who shall receive a salary of three thousand three hundred dollars ($3,300) per annum payable in equal monthly installments.

(4) All fees collected by court officers and attaches for official duties shall be deposited in the county treasury.

(5) All officers and attaches of the court shall devote their full time to the performance of their duties.

CHAPTER 1356

An act to amend Section 20130 of the Government Code, relating to the State Employees' Retirement System.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 20130 of the Government Code is amended to read:

Adoption of mortality etc., tables

20130. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt such mortality, service and other tables and interest rate as it deems necessary, and make such revision in rates of contribution of members as it deems necessary to provide the benefits for which the rates for normal contributions are required to be calculated.

No adjustment shall be included in the new rates for time prior to the effective date of such revision.

CHAPTER 1357

Stats. 1925, p. 648, amended

An act to amend Section 7d of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to attaches in municipal courts in cities of the first and one-half class and attaches in the municipal court established in a judicial district embracing the City of Los Angeles.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 7d of the act cited in the title hereof is hereby amended to read as follows:

Los Angeles municipal court official reporters

Sec. 7d. Official reporters in every municipal court in cities of the first and one-half class, appointed as provided in Section 274c of the Code of Civil Procedure, shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of six hundred twenty-five dollars ($625) per month, which shall be paid from the reporters' salary fund hereinafter referred to.

The judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary, but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty-five dollars ($25) per day, which shall, upon order of the court, be paid from said reporters' salary fund.

All per diem fees otherwise payable by law by the parties to proceedings in said court to official reporters or official reporters pro tempore shall be paid to the clerk of the court, who shall deposit the same in the reporters' salary fund.

Fees for transcription of testimony and proceedings in such court shall be paid by the parties to official reporters and official reporters pro tempore as otherwise provided by law, and in all cases where, by law, the court may direct the payment of transcription fees out of the county treasury, such fee shall, upon order of the court, be paid from the reporters' salary fund, except fees for transcription of testimony and proceedings in felony cases, which shall be paid from the county treasury.

There shall be set aside from the revenue of said court, in the manner and at the times hereinafter provided, a revolving fund, to be known as the reporters' salary fund, in the amount of fifteen thousand dollars ($15,000).

At the time of each monthly distribution of the revenue of said court to the city and the county within which such court is established, the clerk of the court shall deduct proportionately from their respective total shares thereof such sum as will, when added to the sum then remaining in said fund, if any, equal fifteen thousand dollars ($15,000), and deposit the same in said fund.

Deductions from the county's share of said revenue shall be made from that portion thereof distributable to the salary fund of the county, and deductions from the city's share shall be made from that portion thereof distributable to the general fund of the city.

For the purposes of this act the "revenue" of said court is defined to include all fines, forfeitures, and fees accruing to the city or the county, except law library fees

In the event said reporters' salary fund shall at any time be insufficient, then the amount of such deficiency shall, upon order of the court, be paid from the general fund of the county.

Official reporters

The county treasurer shall be the depositary, and the county auditor the disbursing agent, for said fund.

Official reporters of such court shall be members of any retirement system which includes attaches thereof. For the purposes of such retirement system, the salary herein provided for such reporters shall be deemed their entire compensation, except that where credit is claimed for service rendered prior to the establishment of such salary, the actual compensation paid to them by the county shall be the basis for contributions for such prior service, and continuous employment in such municipal court, or a court superseded by it, prior to membership in said retirement system, shall be considered as "prior service" therein upon the payment by such reporters of the sums due, if any, under said retirement system.

On January 1, 1952, and thereafter, any provision of law to the contrary notwithstanding, this section shall continue in full force and effect, except that the provisions thereof shall apply to the municipal court established in a judicial district embracing the City of Los Angeles, and to all cities included in said judicial district.

CHAPTER 1358

An act to amend Sections 29001, 29007, 29012, 29014, 29020, and 29021 of, and to add Sections 29003.5, 29003.6, and 29015.1 to, the Health and Safety Code, relating to dangerous drugs.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 29001 of the Health and Safety Code is amended to read:

"Dangerous drug"

29001. "Dangerous drug" means any drug unsafe for self-medication, except preparations of drugs defined in subdivisions (e), (f), (h), and (i) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

"Hypnotic drug"

(a) Any hypnotic drug. "Hypnotic drug" includes acetyluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) Phenylhydantoin derivatives.

(k) Hypnotic drugs when combined and compounded with nonhypnotic drugs.

SEC. 2. Section 29003.5 is added to said code, to read:

29003.5. "Administer," as used in this division, means the furnishing by a physician and surgeon, dentist or chiropodist to his patient of such amount of drugs or medicines referred to in this division as are necessary for the immediate needs of the patient. "Administer"

SEC. 3. Section 29003.6 is added to said code, to read:

29003.6. "Dispense" as used in this division shall mean the furnishing of the medicines referred to in this act upon the legal prescription from a physician, dentist, chiropodist or veterinarian or upon a legal hypnotic order form. "Dispense"

SEC. 4. Section 29007 of said code is amended to read:

29007. "Wholesaler" means a person who supplies drugs that he himself has not derived, produced or prepared, on sales orders for resale but not on prescriptions. Every wholesaler shall maintain an established place of business, shall keep purchase and sales records and shall be registered with the board. "Wholesaler"

SEC. 5. Section 29012 of said code is amended to read:

29012. Every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop, store or other place of business, which license shall expire on the thirty-first day of October and shall be annually renewed. The annual fee for such license shall be five dollars ($5). Hypnotic license

Every person who obtains an hypnotic license shall, within 15 days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license is nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 5.5. Section 29014 of said code is amended to read:

Same Duties of licensee

29014. Licensees shall execute hypnotic drugs purchase order forms in triplicate, showing date, name of supplier, name and quantity of hypnotics ordered and signature, license number and address of licensee. The original and duplicate orders shall be forwarded to the supplier, who shall forward the duplicate order to the Board of Pharmacy within 30 days after receipt thereof, and the triplicate of the order kept on the file of the purchaser for at least three years. Within a reasonable time after any purchaser except a wholesaler in this State gives any order to, or makes any contract or agreement for purchases from or sales by, any out-of-state person of any hypnotic drug for delivery in this State, the purchaser shall forward the original order to the out-of-state person, forward a duplicate of such order, contract or agreement for such purchase to the board, and retain a triplicate for not less than three years. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 6. Section 29015.1 is hereby added to the Health and Safety Code, to read:

Application

29015.1. This division does not apply to or interfere with a physician, dentist, chiropodist or veterinarian who administers hypnotic drugs to his own patients. Such hypnotic drugs shall be administered only by the physician, dentist, chiropodist or veterinarian.

SEC. 7. Section 29020 of the Health and Safety Code is amended to read:

Furnishing, dispensing hypnotic drugs

29020. No person shall furnish any dangerous drug, other than any hypnotic drug, except upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the furnishing of any dangerous drug, other than any hypnotic drug, by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

No person shall dispense any hypnotic drug except upon the prescription of a physician, dentist, chiropodist or veterinarian, or upon the receipt of a properly executed official hypnotic drug purchase order form.

A record of the hypnotic drug administered by any person exempt under Section 29015 shall be kept stating the date, name and address of the patient, name and amount of the drug administered. The provisions of this section with respect to the keeping of records do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 8. Section 29021 of said code is amended to read:

Dispensing dangerous drugs

29021. No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the

date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.

CHAPTER 1359

An act to add Section 4708 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect September 22, 1951

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

SECTION 1. Section 4708 is added to the Labor Code, to read:

4708. Upon application of any party in interest for a death benefit provided by this division on the death of an employee member of the State Employees' Retirement System, the latter shall be joined as a defendant, and the commission shall determine whether the death resulted from injury or illness arising out of and in the course of his employment, for the purpose of enabling the Industrial Accident Commission to apply the provision of this division and the Board of Administration to apply the provisions of the State Employees' Retirement Law. Procedure re death benefit claim

CHAPTER 1360

An act to amend Sections 204e and 261e of, and to add Section 263 to, the Code of Civil Procedure, relating to superior court employees in counties, or cities and counties.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect September 22, 1951

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

SECTION 1. Section 204e of the Code of Civil Procedure is amended to read:

204e. In any county having a population of less than 2,000,000 but more than 600,000, as ascertained and determined in the manner provided by Section 28020 of the Government Code, or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be one thousand dollars ($1,000) per month. In counties having a population of less than 600,000, as ascertained and determined in the manner provided by Section 28020 of the Government Code, Superior judges' secretaries: Salaries

the salary shall be fixed by the board of supervisors of such counties.

In counties, or cities and counties, of over 750,000 but less than 2,000,000 population, on the authorization of the judges in such a case, the secretary shall have four assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and whose salaries shall be four hundred fifty dollars ($450) per month. In counties, or cities and counties, of more than 700,000 and less than 750,000, the secretary may have to assist him in the performance of his duties, three clerks who shall receive a salary of not less than one hundred seventy-five dollars ($175) nor more than three hundred fifty dollars ($350) per month. Each such clerkship shall be exempt from civil service laws. The salaries of such clerks shall be fixed by the board of supervisors of such county or city and county. The salaries of such secretaries and of such assistants shall be paid by the county or city and county in which they serve.

SEC. 2. Section 261e of the Code of Civil Procedure is amended to read:

San Francisco superior court employees

261e. In each county, or city and county, having a population of more than 750,000 and less than 900,000 inhabitants, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees:

(1) Grand jury statistician, at a salary of six thousand dollars ($6,000) per annum;

(2) Five senior legal stenographers, each at a salary of four thousand two hundred dollars ($4,200) per annum;

(3) One senior clerk at a salary of three thousand nine hundred dollars ($3,900) per annum;

(4) Two secretary-telephone operators, each at a salary of three thousand three hundred dollars ($3,300) per annum;

(5) One probate court commissioner at a salary of six thousand dollars ($6,000) per annum;

(6) One head clerk at a salary of four thousand eight hundred dollars ($4,800) per annum;

(7) Two domestic relations cases investigators, each at a salary of four thousand two hundred dollars ($4,200) per annum;

(8) One law clerk at a salary of four thousand eight hundred dollars ($4,800) per annum;

(9) One general clerk at a salary of three thousand three hundred dollars ($3,300) per annum;

All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office.

The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or, if there be no salary fund, then out of such fund as other salary demands against such county, or city and county, are paid.

The expenses in this section provided for shall be paid in monthly installments out of the General Fund, and both salaries and expenses shall be allowed and audited in the same manner as other demands against the county, or city and county, are required by law to be allowed and audited.

SEC. 3. Section 263 is added to the Code of Civil Procedure, to read:

Domestic relations case investigators Duties

263. In any county, or city and county, which is authorized by law to have domestic relations cases investigators, it shall be the duty of such domestic relations cases investigators, in any divorce action then pending wherein the parties thereto have minor children, to investigate and to report to the judge of the court wherein such action is to be tried all pertinent inforation as to the care, welfare and custody of the minor children of the parties to the divorce action.

Such report shall be filed not less than 10 days before the date set for the trial of the divorce action with the clerk of the court wherein such action is to be tried, and not less than 10 days before the trial of such action a copy of the report shall be served on each party to the divorce action.

The report of the investigators shall be admitted in evidence upon the stipulation of both parties, and shall be competent evidence as to all matters contained therein.

Such investigator or investigators who have investigated the care, welfare and custody of the minor children as provided for in this section, shall be present at the trial of the divorce action of the parties who are the parents or custodians of such minor children, and may be called to testify by the judge or either party as to any matter which they have investigated. The testimony of such investigators shall be subject to questions direct and cross which are proper, and shall be competent as evidence.

Nothing in this section shall be construed as limiting a domestic relations cases investigator's duty to assist the superior court appointing him in the transaction of the judicial business of said court.

CHAPTER 1361

An act to add Sections 1005.1 and 1005.2 to the Water Code, relating to water rights, declaring the severability of the provisions of this act, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect immediately

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

SECTION 1. Section 1005.1 is added to the Water Code, to read:

Use of alternate supply of water

1005.1. Cessation of or reduction in the extraction of ground water by the owner of a right to extract, as the result of

the use of an alternate supply of water from a nontributary source, shall be and is deemed equivalent to, and for purposes of establishing and maintaining any right to extract the ground water shall be construed to constitute, a reasonable beneficial use of the ground water to the extent and in the amount that water from the alternate source is applied to reasonable beneficial use, not exceeding, however, the amount of such reduction. Any such user of water from an alternate nontributary source who seeks the benefit of this Section 1005.1, shall file with the Division of Water Resources of the Department of Public Works, on or before December 31st of each calendar year, a statement of the amount of water from said source so applied to reasonable beneficial use pursuant to the provisions of this section during the next preceding water year (November 1st to October 31st), and such user cannot claim the benefit of this section for any water year for which such statement is not so filed.

"Ground water" for the purpose of this section and of Section 1005.2 means water beneath the surface of the ground, whether or not flowing through known and definite channels.

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this State defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

SEC. 2. Section 1005.2 is added to the Water Code, to read:

Same

1005.2. Cessation of or reduction in the extraction of ground water, to permit the replenishment of such ground water by the use of water from an alternate nontributary source, is hereby declared to be a reasonable beneficial use of the ground water to the extent and in the amount that water from such alternate source is applied to beneficial use, not exceeding, however, the amount of such reduction. No lapse, reduction or loss of any right in ground water, shall occur under such conditions. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring prior to the effective date of this section, shall file with the Division of Water Resources of the Department of Public Works, within ninety (90) days from said effective date, a statement of the amounts of reduction in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use prior to said effective date to permit the replenishment of such ground water and said amounts shall be segregated and shown for each water year (November 1st to October 31st) during which such use occurred prior to the effective date of this section. Any such user of water from an alternate source who seeks the benefit of this Section 1005.2 with respect to the use of such water occurring subsequent to the effective date of this section, shall file with the Division of Water Resources, on or before December 31st of each calendar year, a statement of the amount of reduc-

tion in the extraction of ground water as the result of water from said alternate source having been so applied to reasonable beneficial use during the next preceding water year (November 1st to October 31st) to permit the replenishment of such ground water. Such user cannot claim the benefit of this section for any water year for which such statement is not so filed.

The provisions of this section apply only as to the cessation of, or reduction in, the extraction of ground water within that area in this State defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, Riverside, and San Bernardino.

Declaration

SEC. 3. The Legislature finds and declares that this act is necessary to the solution of a problem arising out of the following unique circumstances:

The water supplies in the underground basins in the arid southern part of this State are being rapidly depleted by excessive pumping during a period of prolonged drought conditions. Because of the geological conditions peculiar to this area, further excessive pumping is certain to destroy the usefulness of these basins.

This act is intended to save these water basins by protecting users of water from the basins who cease or reduce the extraction of water therefrom and use, in lieu thereof, water from an alternate nontributary source, thereby preventing further depletion of the water in the basins.

Severability

SEC. 4. If any provision of this act, or of the sections hereby added to the Water Code, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act or of the sections so added to the Water Code. The Legislature hereby declares that it would have passed this act and each section hereby added to the Water Code and each provision thereof, irrespective of the fact that any one or more other provisions of this act or of the sections so added to the Water Code be declared unconstitutional.

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 Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Long-continued conditions of drouth and great increases in demands for water to supply the people and lands have depleted certain ground water basins in the southern part of this State to such an extent as to threaten their extinction as sources of usable water. To restore and replenish these basins, it is essential that immediate steps be taken to reduce pumping in these areas and to bring in water available to these basins from alternate nontributary sources. This act is immediately necessary to promote and protect these activities by water-right owners in conserving and developing the water supplies which are the lifeblood of this State.

CHAPTER 1362

An act to amend Section 1600 of the Education Code, relating to newly formed school districts.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 1600 of the Education Code is amended to read:

New districts Liability for debts of old district

1600. When any new school district is formed from a portion of the territory of one or more existing districts, either by incorporation of a city, or otherwise, and the territory comprising the new district does not continue to be liable for taxation for the payment of the bonded indebtedness of the district or districts from which it was transferred, incurred before the transfer, the board of supervisors of the county shall, within 60 days after the formation of the new district, by order entered on its minutes, determine what proportion of the outstanding bonded indebtedness of the district or districts out of which the new district is formed, was incurred for the acquisition or improvement of school lots or buildings, or fixtures or furniture or necessary apparatus of a permanent nature therein, situated in the new district. The new district shall thereupon become liable for the proportion of such indebtedness so determined.

In the case of joint districts, the board of supervisors of each county shall in the same manner determine the liability as to the territory in its county.

CHAPTER 1363

An act to add Section 1919 to the Health and Safety Code, relating to the control of rabid animals.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 1919 is added to the Health and Safety Code, to read:

Quarantine of dogs for blind

1919. Notwithstanding any other provision of this article a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he has been exposed to rabies, unless his master fails:

(a) To keep him safely confined to the premises of the master.

(b) To keep him available for examination at all reasonable times.

CHAPTER 1364

An act to amend Section 27366 of the Government Code, relating to recorder's fees.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951]

In effect September 22, 1951

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

SECTION 1. Section 27366 of the Government Code is amended to read:

27366. The fee for any copy of any other record or paper on file in the office of the recorder, when the copy is made by him, is ten cents ($0.10) a folio. When any copy of any other record is made by photographic reproduction, the fee shall be one dollar ($1) for the first page and fifty cents ($0.50) for each additional page or portion thereof.

Fees for copies

CHAPTER 1365

An act to amend Section 696 of the Fish and Game Code, relating to striped bass.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951]

In effect September 22, 1951

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

SECTION 1. Section 696 of the Fish and Game Code is amended to read:

696. It is unlawful to buy or sell striped bass or parts thereof, or to possess striped bass or parts thereof in any fish bait store or fish market where fish are bought, possessed, or sold, or in any restaurant, or other eating establishment where food is offered for sale to the public, or in any truck or other conveyance operated by or for a fish dealer. Nothing in this section prohibits either:

Bass Commercial use

(a) The preparation for storage and the storage of not more than one daily bag limit of lawfully taken striped bass in a locker plant if such fish are placed, after preparation for storage, in a locker assigned to the exclusive use of the owner of such fish.

(b) The preparation for consumption of lawfully taken striped bass in a restaurant or other eating establishment when such fish are brought to such restaurant or eating establishment by the owner of such fish for the purpose of having them prepared for consumption by himself or by himself and others.

CHAPTER 1366

An act to amend Section 18734, Business and Professions Code, relating to contestants in boxing contests, or sparring or wrestling matches.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 18734 of the Business and Professions Code is hereby amended to read as follows:

Age limits

18734. No person under the age of 18 years shall participate as a contestant in any boxing contest, or sparring or wrestling match, except that any person of the age of 17 years or over, who is a registered amateur boxer in any state or territory where a person who has attained the age of 17 years may box legally, may participate in an amateur boxing contest held by the United States Olympic Association for the purpose of selecting contestants for Olympic Games.

Every contestant in an amateur boxing contest or sparring match shall be a registered amateur in the district in which he resides, and shall be examined by a physician immediately before the contest.

CHAPTER 1367

An act to amend Sections 7330, 7373, and 7382 of the Business and Professions Code, relating to the practice of cosmetology.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 7330 of the Business and Professions Code is amended to read:

Hairdresser and cosmetician or cosmetologist

7330. A hairdresser and cosmetician or cosmetologist is any person who engages in the practice of cosmetology in a licensed cosmetological establishment except the branch of electrolysis.

SEC. 2. Section 7373 of said code is amended to read:

Qualifications for license

7373. Every applicant for a license as a hairdresser and cosmetician or cosmetologist satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of the occupations of a hairdresser and cosmetician or cosmetologist, shall receive from the board a certificate of registration and license as a hairdresser and cosmetician or cosmetologist.

This license, except for renewal fees, entitles the holder, without additional cost, to engage in the practice of the occupa-

tions of a hairdresser and cosmetician or cosmetologist upon the public in a licensed cosmetological establishment.

SEC. 3. Section 7382 of said code is amended to read:

7382. A cosmetological establishment shall, at all times, be in charge of a licensed hairdresser and cosmetician or cosmetologist. Requirement

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CHAPTER 1368

An act to amend Section 29026 of the Health and Safety Code, relating to hypnotic drugs.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect September 22, 1951

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

SECTION 1. Section 29026 of the Health and Safety Code is amended to read:

29026. Every person who violates any provision of this division, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter may, institute and maintain proceedings for the revocation or suspension of such license. The proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and such board shall have all of the powers granted therein. Penalty

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CHAPTER 1369

An act to add Section 6005 to the Penal Code, relating to trials of persons committed to the Youth Authority.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect September 22, 1951

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

SECTION 1. Section 6005 is added to the Penal Code, to read:

6005. Whenever a person confined to a correctional institution under the supervision of the Youth Authority is charged with a public offense committed within the confines of such institution and is tried for said public offense, the county clerk of the county where the trial is had must make out a statement of all of the costs incurred by the county for the investigation, and the preparation of the trial, and the actual trial of such case, and Costs of trial

of all guarding and keeping of such person, and of the execution of the sentence of such person, properly certified to by a judge of the superior court of such county. The statement shall be sent to the Youth Authority for its approval. After such approval the Youth Authority must cause the amount of such costs to be paid out of the money appropriated for the support of the Youth Authority, to the county treasurer of the county where the trial was had.

CHAPTER 1370

An act to add Article 4 to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, consisting of Sections 53070 and 53071, relating to the compensation of county, township and municipal officers, declaring the urgency hereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Article 4 is added to Chapter 1, Part 1, Division 2, Title 5 of the Government Code, to read:

Article 4. Compensation of Elective and Appointive Officers During War

"War"

53070. For the purpose of this article "war" shall mean that period of time commencing:

(a) When Congress declares war; or

(b) When the armed forces of the United States are engaged in active military operations against any foreign power whether or not war has been formally declared; and ending one year after the termination of hostilities therein as proclaimed by the President of the United States.

Suspension of limitation

53071. Any provisions of law, including charters, or of the Constitution which prohibit the increase of compensation of any county, township or municipal officer after his election or during his term of office are hereby suspended during time of war as provided in Section 5 of Article XI of the Constitution.

Repeal

SEC. 2. Article 4 of Chapter 1, Part 1, Division 2, Title 5 of the Government Code as added to said code by Chapter 127 of the Statutes of 1951 is repealed on the effective date of this act; provided, however, that the repeal of said Article 4 shall not be construed to invalidate or render ineffective any act taken pursuant to said Article 4 prior to the effective date of 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 and safety, within the meaning of Section 1 of

Article IV of the Constitution, and shall go into effect immediately. The facts constituting such necessity are as follows:

By reason of the increased cost of living during the war now being engaged in by the United States, many county, township and municipal officers whose compensation was established before costs of living increased are unable to live upon the salaries and compensation being paid them. These officers have been compelled during the present war to curtail their manner of living drastically and are rapidly exhausting their savings to provide themselves and their families with the common necessities of life. In order to enable the counties, townships and municipalities to take the necessary steps to relieve the distress of these officers, who in many cases have faithfully served the public over a period of many years, it is necessary that this act take effect immediately.

CHAPTER 1371

An act to amend Section 38742 of the Government Code, relating to municipal water facilities.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 38742 of the Government Code is amended to read:

38742. The legislative body of any city may:

Powers of city legislative body

(a) Contract for supplying the city with water for municipal purposes.

(b) Acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of the city or its inhabitants or for irrigating purposes in the city.

(c) Use any portion of the revenues from any water works or water supply or distribution facilities, including but not limited to water works or water supply or distribution facilities acquired or constructed with funds from bonds issued under an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, the Municipal Improvement District Act of 1927, an act entitled "An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of water works, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such water works, water systems or water distribution systems; and for the acquisition, construction or extension of such water works, water systems or water distribution systems" approved April

26, 1935, or from general obligation bonds of the city, for the payment of principal and interest of any of such bonds or any other bonds authorized by vote of electors and issued to acquire or construct any water works or water supply or distribution facilities within the city.

(d) Enter into agreements with, and accept financial or other assistance from, the United States or a federal department or agency, for the acquisition, construction, maintenance, and operation of the city water system and the sale and distribution of water from the system.

CHAPTER 1372

An act to amend Section 5821 of the Streets and Highways Code, relating to county maintenance districts.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 5821 of the Streets and Highways Code is amended to read:

Assessment for operation and maintenance of improvements

5821. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the real property lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement, or upon such district as the board of supervisors shall determine will be benefited by the maintenance and operation of the improvements proposed to be maintained; the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected.

CHAPTER 1373

An act to amend Section 13926 of the Government Code, relating to awards made by the State Board of Control.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 13926 of the Government Code is amended to read:

13926. The State Board of Control may make awards to state employees who propose new procedures, or propose changes in existing procedures, which will result in eliminating or reducing state expenditures, provided such procedures are placed in effect. Awards for employee suggestions

Any award made by the State Board of Control under the provisions of this section may be paid from the appropriation available to the state agency in which the elimination or reduction of state expenditures has been made possible by adoption of the proposal.

The board may adopt rules and regulations to carry out the provisions of this section, and may appoint merit award boards made up of state officers, employees or citizens to consider employee proposals and to make recommendations to the board as to the merit of the proposal and whether or not the proposal justifies an award.

Any award granted under the provisions of this section shall be limited to one hundred dollars ($100) unless a larger award is approved by concurrent resolution of the Legislature.

When requested by the State Board of Control the Department of Finance may furnish such assistance as may be necessary to carry out the provisions of this section. Any expenditures made or costs incurred heretofore or hereafter by the Department of Finance for the purposes of this section may be paid from funds available for the support of the Department of Finance.

CHAPTER 1374

An act to amend Section 9 of the Riverside County Flood Control and Water Conservation District Act, relating to the powers of the Riverside County Flood Control and Water Conservation District. Stats 1945, p 2131, amended

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

The people of the State of California do enact as follows: In effect September 22, 1951

SECTION 1. Section 9 of the Riverside County Flood Control and Water Conservation District Act is amended to read:

Sec. 9. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the said waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining and causing to percolate into the soil within said district, or without said district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters, the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of Objects and purpose of act

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

Powers of District

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

Succession

1. To have perpetual succession.

Seal

2. To adopt a seal and alter it at pleasure.

Suits

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Property

4. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

Property

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

Indebtedness

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

Water storage, etc

7. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or a zone or zones thereof; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of water or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings hereafter begun; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that the said district shall not have the power to intervene or take part in, or to pay the costs or

expenses of actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside or away from the district.

Flood control, etc

8. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, provided that water rights now existing be not thereby infringed upon.

Eminent domain

9. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn, any existing works or improvements in said district now or hereafter used to control flood or storm waters or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act, is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use; and provided further, that no right shall exist in behalf of said district to take by condemnation any property, including water rights, that is now devoted to beneficial use in Orange County; nor to take by condemnation any water rights or property necessary for exercising said water rights that are now devoted to beneficial use, or are now in the process of being devoted to beneficial use in Orange County, within an area along and adjacent to the trunk channel of the Santa Ana River extending from the easterly boundary of Orange County to the Jurupa Narrows and lying between the bluffs on either side of said river, but excluding therefrom any part of the Corona underground water basin as said basin is defined in that certain action

in the Superior Court of the State of California, in and for the County of Riverside, numbered 22046, and entitled the Corona Foothill Lemon Company, a corporation, et al. vs. Charles E. Lillibridge, et al.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district with the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or any lesser estate or interest in such property, as the case may be, is necessary. Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

Entrance to land

10. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, whether in this or in another state, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, water works, power plants, franchises, concessions or rights; to enter into and to do any and all acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Riverside County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or

otherwise acquired, or secured for the use of the Riverside County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

Taxes and assessments

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

Investigations

12. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

Artificial nucleation

13. To carry on a program of artificial nucleation for the purpose of increasing and controlling rainfall within, or in the immediate vicinity of, any watershed located wholly or partially within the district.

The total amount of taxes levied for the purpose of carrying on any program under this subdivision shall not be in excess of five cents ($0.05) for each one hundred dollars ($100) of assessed valuation of the taxable property within the district.

The authority of the district to carry on any program under this subdivision shall terminate on October 1, 1953.

General powers

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

CHAPTER 1375

An act to abolish the War Bond Fund, to transfer to the Special Deposit Fund the unexpended balance remaining therein, and to appropriate such amount from the Special Deposit Fund for expenditure for the same purposes for which

such amount is available for expenditure from the War Bond Fund immediately preceding such transfer.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

Transfer to Special Deposit Fund

SECTION 1. On order of the State Controller, the balance remaining in the War Bond Fund on the effective date of this act, according to the records of the State Controller, shall be transferred from the War Bond Fund to the Special Deposit Fund, and shall be credited on the books of the State Controller to an account in such fund entitled "War Bond Account."

Use of money

SEC. 2. All money to the credit of the "War Bond Account" in the Special Deposit Fund is hereby continuously appropriated without regard to fiscal years for expenditure for the same purposes, and subject to the same conditions, limitations, and restrictions for which such amount, or any portion thereof, was available for expenditure from the War Bond Fund immediately preceding such transfer.

CHAPTER 1376

An act to repeal Section 1193.1 of, and to add Section 1193.1 to, the Code of Civil Procedure, relating to mechanics' liens.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

Repeal

SECTION 1. Section 1193.1 of the Code of Civil Procedure is hereby repealed.

SEC. 2. Section 1193.1 is added to the Code of Civil Procedure, to read:

Original contractor

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

Same Two or more

(b) Where the work of improvement is not made pursuant to one original contract for the work of improvement but is made in whole or in part pursuant to two or more original contracts each covering a particular portion of the work of improvement, the owner may within 10 days after completion of any such contract for a particular portion of the work of improve-

ment file for record a notice of completion thereof as provided in subdivision (f) of this section. If such notice be so filed, then the original contractor under the contract covered by such notice must within 60 days after the date of filing for record such notice, and all other persons claiming the benefit of this chapter for work done or materials furnished under such contract, must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then the period for filing claims of lien shall be as provided in subdivision (c) of this section.

Notice of completion

(c) The owner shall within 10 days after the completion of the work of improvement file for record a notice of completion as provided in subdivision (f) of this section. If such notice be so filed, then, except as to any persons who were required to file a claim of lien as provided in subdivision (b) of this section, every original contractor must within 60 days after the date of filing for record such notice, and every person, other than an original contractor, claiming the benefit of this chapter must within 30 days after the date of filing for record such notice, file for record his claim of lien. If such notice be not so filed, then, except as to any persons who were required to file for record claims of lien as provided in subdivision (b) of this section, all persons claiming the benefit of this chapter shall have 90 days after the completion of such work of improvement within which to file their claims of lien.

Equivalence of completion

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

Public, governmental work

(e) If a work of improvement is of the character referred to in Section 1184 1 of this code and is subject to acceptance by any public or governmental authority, the completion of such work of improvement shall be deemed to be the date of such acceptance.

Notice of completion Filing contents

(f) The notice of completion provided for in this section shall be filed in the office of the county recorder of the county in which the property is situated, shall be signed and verified by the owner or some other person on behalf of the owner, and shall set forth the following: (1) the date of completion of such work of improvement or of such particular portion of the work of improvement; provided, that the recital of an erroneous date of completion shall not affect the validity of the notice if the true date of completion is within 10 days preceding the date of filing

for record such notice; (2) the name and address of such owner; (3) the nature of the interest or estate of such owner; (4) a description of the property sufficient for identification, which description shall contain the street address of such property if any such street address shall have been given to such property by any competent public or governmental authority; provided, that if a sufficient legal description of the property is given the validity of the notice shall not be affected by the fact that the street address recited is erroneous or that such street address is omitted; (5) the name of the original contractor, if any, for the work of improvement, or if the notice is given only of completion of a contract for a particular portion of such work of improvement as provided in subdivision (b) of this section, then the name of the original contractor under such contract, and a general statement of the kind of work done or materials furnished pursuant to such contract.

Cessation of labor

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

Same Notice

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

"Owner"

(i) The word "owner" as used in subdivisions (f) and (h) of this section is hereby defined to mean the owner who caused

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

Claim of lien Form and contents

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

Forfeiture of lien

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

CHAPTER 1377

An act to amend Sections 1709, 1713, 3630, 3671, 3800, 4103, 4110, 4113, 4603, 4619, 5204, 6202, 6502, 9304, and 9305 of the Corporations Code; to add thereto Section 3802; to repeal Sections 9003 and 9700 thereof; and to re-entitle Article 5 of Chapter 1, Part 8, Division 1, Title 1 of said code, all relating to corporations.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1709 of the Corporations Code is amended to read:

Acquisition of own shares. Effect on stated capital

1709. When a corporation acquires its shares out of earned surplus, under Section 1706 or Section 1707, or out of paid-in surplus under Section 1706 or by gift or bequest, or upon a merger or consolidation with, or upon the distribution of the assets of another corporation, or upon forfeiture, such shares may be carried as treasury shares or may (at the option of the board of directors) be retired, but no change in the stated capital shall be made either upon the acquisition or retirement

of such shares unless proceedings are duly taken to that end under Section 1904, except that when a corporation acquires by purchase or forfeiture shares issued by it upon which part of the agreed subscription price remains unpaid, the stated capital is reduced by the amount unpaid upon such shares without further proceedings.

Upon any authorized purchase of shares issued by the corporation, or by any corporation of which it is subsidiary, out of earned or paid-in surplus the earned or paid-in surplus shall be reduced by an amount equal to the purchase price of such shares.

SEC. 2. Section 1713 of the Corporations Code is amended to read:

Prohibited reissue of shares

1713. If the articles of a corporation prohibit the reissue of any of its shares upon acquisition thereof by the corporation, then upon the acquisition of such shares the authorized number of shares of the class and series, if any, to which such shares belonged is reduced by the number of shares so acquired.

Thereupon the articles shall be amended to reflect such reduction in authorized shares, and if all of the authorized shares of any class or series be acquired and their reissue is prohibited by the articles, then the articles shall also be amended to eliminate therefrom any statement of preferences, privileges, or restrictions relating solely to the class or series all shares of which have been so acquired. A certificate of amendment shall be made and filed in accordance with the requirements of Chapter 1 of Part 8 of Division 1 of this title, except that the votes or consents of shareholders shall not be required to adopt any such amendment. If the amendment is made without the votes or consents of shareholders, then the certificate shall state facts showing the amendment to be one made pursuant to this section.

SEC. 3. Section 3630 of the Corporations Code is amended to read:

Amendment prior to share issue

3630. Before any shares have been issued or subscriptions for shares other than those set forth in the articles have been accepted, or before any members of a nonstock corporation other than the incorporators have been admitted, any amendment of the articles may be adopted by a writing signed by two-thirds of the incorporators of the corporation, or in the case of a stock corporation by resolution adopted by not less than two-thirds of the board of directors.

SEC. 4. Section 3671 of the Corporations Code is amended to read:

Certificate of amendments

3671. In the case of amendments adopted by the incorporators the certificate shall show that the signers thereof constitute at least two-thirds of the incorporators, and that they adopt the amendment or amendments therein set forth. In the case of a stock corporation the certificate shall set forth that it has issued no shares and accepted no subscriptions therefor since the filing of its articles with the Secretary of State and if the amendment or amendments be adopted by the directors the certificate shall also set forth a copy of the resolution or reso-

lutions by which the amendment or amendments were adopted. If the amendment or amendments be adopted by the incorporators the certificate shall be signed by not less than two-thirds of the incorporators, or if the amendment or amendments be adopted by the directors the certificate shall be signed by not less than two-thirds of the board of directors, and, in either case, the certificate shall be verified by the signed affidavits of the persons signing the certificate stating, in effect and under oath, that the matters set forth in the certificate are true of their own knowledge. In the case of a nonstock corporation the certificate shall set forth that the corporation has admitted no members other than the incorporators. The certificate shall be signed by at least two-thirds of the incorporators, and shall be verified by their signed affidavit stating, in effect and under oath, that the matters set forth in the certificate are true of their own knowledge.

SEC. 5. Article 5 of Chapter 1, Part 8, Division 1, Title 1 of the Corporations Code is re-entitled to read:

Article 5. Restatement of Articles

SEC. 6. Section 3800 of the Corporations Code is amended to read:

3800. A corporation may restate in a single certificate the entire text of its articles of incorporation as amended by filing in the Office of the Secretary of State a certificate entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended to the date of the certificate but the certificate shall not itself alter or amend the articles in any respect except that the signatures and acknowledgments of the incorporators may be omitted. Certificate of restatement

The certificate shall be signed by the president or vice president and the secretary or an assistant secretary, or corresponding officers, of the corporation and shall be verified by their signed affidavits that they have been authorized to execute the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

SEC. 7. Section 3802 is added to the Corporations Code, to read:

3802. Whenever a corporation is required to file in any office in this State a certified copy of its articles pursuant to any provision of this code, in lieu of filing a certified copy of the original articles and certified copies of all certificates amendatory of or supplementary to the original articles, it may file a certified copy of the most recent certificate restating its articles as amended, filed pursuant to this article, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles. Same Copy

SEC. 8. Section 4103 of the Corporations Code is amended to read:

Contract of merger, consolidation

4103. The board of directors of each corporation seeking to merge or consolidate shall, by resolution, approve the terms and conditions of the proposed agreement and the mode of carrying them into effect, as well as the manner and basis of converting the shares of the constituent corporations into the shares of the consolidated or surviving corporation

The agreement may provide for the distribution of cash, property, or securities, in whole or in part, in lieu of shares, to shareholders of the constituent corporations or any class of them; but upon such distribution of cash, property, or securities, the liabilities of the consolidated or surviving corporation, including those derived by it from the constituent corporations, plus the amount of the stated capital of the consolidated or surviving corporation, shall not exceed the value of the assets of the consolidated or surviving corporation.

SEC. 9. Section 4110 of the Corporations Code is amended to read:

Same Certificate

4110. After approval by the directors and shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each corporation shall execute a certificate, which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) The time and place of the meeting of the board of directors.

(b) A copy of the resolution adopted by the board of directors showing approval of the terms and conditions of the agreement of merger or consolidation

(c) The vote in favor of the resolution.

(d) The time and place of the meeting of the shareholders; that the terms and conditions of the agreement were approved thereat, and the total vote of each class of shares by which the agreement was approved.

(e) The total number of outstanding shares of each class.

(f) A statement of the mailing of the notice of the time, place, and purpose of the meeting of the shareholders, or, if the notice was waived pursuant to Section 2209, a statement of such fact.

(g) The name of the surviving or consolidated corporation.

(h) That the agreement for merger or consolidation with (names of other constituent corporations) filed with the Secretary of State concurrently with this certificate, pursuant to Section 4113, is the agreement hereinabove referred to and sets forth the terms and conditions approved by said resolution of directors and vote of shareholders

SEC. 10. Section 4113 of the Corporations Code is amended to read:

Same Filing

4113. The executed agreement, or an executed counterpart thereof, and the respective certificate of each constituent

corporation shall be separately filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. Neither the agreement nor any certificate shall be filed however until there has been filed with the Secretary of State by or on behalf of each corporation taxed under the Bank and Corporation Franchise Tax Act, the existence of which is terminated by the merger or consolidation, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured.

SEC. 11. Section 4603 of the Corporations Code is amended to read:

Certificate of dissolution

4603. Whenever a corporation has elected to wind up and dissolve a certificate evidencing such election shall be forthwith filed in the Office of the Secretary of State and a copy thereof, certified by the Secretary of State, shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located.

The certificate shall be signed by the president or vice president and the secretary or assistant secretary, or by at least a majority of the directors, or by one or more shareholders or members authorized to do so by shareholders or members holding or representing at least 50 percent of the voting power, and verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) That the corporation has elected to wind up and dissolve.

(b) If the election was made by the vote or written consent of shareholders or members, the number of shares or memberships voting for or consenting to the election and the total number of outstanding shares or memberships the holders of which were entitled to vote on or consent to the election.

(c) If the certificate be executed by shareholders or members as such, that the subscribing shareholders or members were authorized to execute the certificate by shareholders or members holding or representing 50 percent or more of the voting power.

(d) If the election to dissolve was made by the board of directors pursuant to Section 4601, the certificate shall also set forth the vote by which the election was made and the circumstances showing the corporation to be within one of the categories described in said Section 4601.

SEC. 12. Section 4619 of the Corporations Code is amended to read:

Court ordered dissolution

4619. The jurisdiction of the court includes the making of an order, upon the allowance or settlement of the final accounts of the directors, that the corporation has been duly wound up and is dissolved, which order shall meet the requirements of Section 5204 of this code as to contents. Upon the making of such order, the corporate existence shall cease except for purposes of further winding up if needed.

SEC. 13. Section 5204 of the Corporations Code is amended to read:

Same Distribution of assets

5204. In any case in which dissolution is by court order or decree the court may make an order declaring the corporation duly wound up, its known assets distributed, any tax or penalty due under the Bank and Corporation Franchise Tax Law paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, the accounts of its directors settled, and the directors or trustees discharged from their duties and liabilities to creditors or shareholders, and the corporation dissolved, or it may make such other order and grant such other relief as it deems proper upon the evidence submitted.

If there are known debts and liabilities for payment of which adequate provision has been made, the order declaring the corporation dissolved shall state what provision has been made, setting forth the name and address of the corporation, person, or governmental agency that has assumed or guaranteed the payment, the name and address of the depositary with which deposit has been made, or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

SEC. 13.5. Section 6202 of said code is amended to read:

"Articles"

6202. "Articles" includes the articles or certificate of incorporation, or other document filed for the purpose of creating the corporation with the Secretary of State or other official of the State or place under the laws of which the corporation is created, and any amendments thereof, any certificates supplemental thereto, or any special charter, statute, or governmental act creating it, and any charter, statute, or governmental act amendatory thereof or supplemental thereto.

If the laws of the State or place of incorporation authorize the filing therein of any certificate or other instrument by which the articles, charter or certificate of incorporation as amended is restated, then such restated amended articles, charter or certificate of incorporation together with all subsequent amendments and all instruments supplementary to the original instrument or act of incorporation may be deemed to constitute "articles" within the meaning of this chapter.

SEC. 14. Section 6502 of the Corporations Code is amended to read:

Notice to corporation

6502. Upon receipt of the process and order and his fee therefor the Secretary of State forthwith shall give notice to the corporation of the service of the process by forwarding by registered air mail, charges prepaid, with request for return receipt, a copy of the process and order to the address specified in the order if the corporation has not filed the statement required by Section 6403, otherwise to the two offices of the corporation the addresses of which are set forth in such statement or in statements subsequently filed.

SEC. 15. Section 9304 of the Corporations Code is amended to read:

9304. (a) Except in the case of the incorporation of an unincorporated association provided for in subdivision (b) hereof, each person named in the articles to act in the capacity of a first director shall, and any other person desiring to associate with those persons in the formation of the corporation may, personally sign the articles of incorporation. All signatures thereto shall be personally acknowledged before an officer designated by the laws of this State as one before whom an acknowledgment may be made. Any certificate of acknowledgment taken without the State shall be authenticated by the certificate of an officer having the requisite official knowledge of the qualification of the officer before whom the acknowledgment was made when taken before any officer other than a notary public or a judge or clerk of a court of record having an official seal. Execution of articles

(b) In the case of the incorporation of an unincorporated association, the articles of incorporation shall be subscribed and execution thereof personally acknowledged before an officer authorized to take acknowledgments by the presiding officer or acting presiding officer and the secretary or clerk or similar officer of the association or by at least a majority of its governing board or body, and there shall be attached thereto the affidavit of the subscribing officers, board or body that the association has duly authorized its incorporation and has authorized said officers, board or body to execute the articles of incorporation.

SEC. 16. Section 9305 of the Corporations Code is amended to read:

9305. Articles of incorporation of nonprofit corporations shall be amended in the same manner as provided in Title 1, Division 1, Part 8, Chapter 1 of this code. Amendment of articles Nonprofit corporations

SEC. 17. Sections 9003 and 9700 of the Corporations Code are repealed. Repeal

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CHAPTER 1378

An act to amend Sections 4850, 4853, and 4854 of the Labor Code, relating to disability payments.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect September 22, 1951

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

SECTION 1. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the State Employees' Retirement System is disabled by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the Disability arising in course of duty: Temporary payments

city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments under this chapter, for the period of not exceeding one year. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the State Employees' Retirement System and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen who are members of the State Employees' Retirement System and excludes such employees of the city fire department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active fire fighting and prevention service. If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured. This section refers to temporary disability only.

SEC. 2. Section 4853 of the Labor Code is amended to read:

Same Periods over a year

4853. Whenever such disability of any such officer or employee continues for a period beyond one year, such member shall thereafter be subject as to disability indemnity to the provisions of this division other than Section 4850 during the remainder of the period of said disability or until the effective date of his retirement under the State Employees' Retirement Act, and the leave of absence shall continue.

SEC. 3. Section 4854 of the Labor Code is amended to read:

Limitation

4854. No disability indemnity shall be paid to any such officer or employee concurrently with wages or salary payments.

CHAPTER 1379

An act to amend Section 680 of the Vehicle Code, relating to inspection of vehicles and equipment.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 680 of the Vehicle Code is amended to read:

680. Members of Highway Patrol and Police Officers of Cities May Inspect Vehicle and Its Equipment. (a) Any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of Division 9 of this code and any member of the California Highway Patrol having reasonable cause to believe that any vehicle or combination of vehicles is not equipped as required by this code or is in such unsafe condition as to endanger the driver or other occupant or any person upon the highway, may require the driver thereof to stop and submit such vehicle or combination of vehicles to an inspection of the mechanical condition or equipment thereof and such test with reference thereto as may be appropriate. Inspection of vehicles

(b) In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this code, the officer making the inspection may give such driver a notice of arrest and further require said driver or the owner of the vehicle to produce in court satisfactory evidence that such vehicle or its equipment has been made to conform with the requirements of this code. Every officer giving such directions or a notice of arrest as above provided shall mail a copy or otherwise give notice thereof to the owner and any legal owner of such vehicle if other than the driver.

(c) No person shall operate any vehicle or combination of vehicles after notice of such unsafe condition or that the vehicle is not equipped as required herein, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage until said vehicle and its equipment has been made to conform with the requirements of this code.

(d) Whenever the driver of a vehicle is directed by a member of the California Highway Patrol or a police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of Division 9 of this code to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under the conditions stated in this section, it shall be the duty of such driver to stop and submit to such inspection or test and a failure or refusal so to do is a misdemeanor.

CHAPTER 1380

An act to amend Section 694 of the Vehicle Code, relating to the size, weight, and loading of vehicles.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 694 of the Vehicle Code is amended to read:

Size, weight, and loading of vehicle.

694. (a) The total outside width of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this section.

(b) When any vehicle is equipped with pneumatic tires the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire shall not exceed 100 inches, but in such event the outside width of the body of such vehicle or the load thereon shall not exceed 96 inches.

(c) When any vehicle carries a load of loosely piled agricultural products such as hay, straw, or leguminous plants in bulk but not crated, baled, boxed or sacked, such load of loosely piled material and any loading racks retaining the same shall not exceed 120 inches in width.

(d) The above limitations as to width shall not apply to implements of husbandry or tractor trailers used by farmers in farming operations and only incidentally operated, transported, moved or towed over a highway; provided, that when an implement of husbandry is transported or moved over a highway on another vehicle, if such load exceeds 96 inches in width such vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip and shall not be operated at a speed in excess of 30 miles per hour.

(e) The above limitations as to width shall likewise not apply to special mobile equipment, nor to highway construction or maintenance equipment, but tractor trailers, special mobile equipment and highway construction or maintenance equipment shall not exceed a width of 120 inches.

(f) Any city organized under a freeholders' charter may by ordinance permit a total outside width of vehicle and load in excess of the limits set forth in this section when such vehicle is used exclusively within the boundary limits of such city.

(g) Motor coaches or busses operated under the jurisdiction of the Public Utilities Commission in urban or suburban service may have a maximum outside width not exceeding 104 inches, when approved by order of the Public Utilities Commission for use on routes designated by it. Motor coaches or busses operated by common carriers of passengers for hire in urban or suburban service and not under the jurisdiction of the Public Utilities Commission may have a maximum outside width not exceeding 104 inches. Urban and suburban service referred to in this chapter means a service performed in urban or suburban areas, or between municipalities in close proximity; provided, however, the one-way route mileage of such service shall not be more than 50 miles; and, provided further, designated motor coach routes over state highways outside limits of incorporated cities where the one-way route mileage is over 25 miles, but does not exceed 50 miles, shall be approved by the Department of Public Works.

(h) Notwithstanding the limitations of this section, up to four inches additional width shall be allowed to gantry-trucks

for purposes of installation of sheathing or guards to comply with any safety order of the Industrial Accident Commission.

A gantry-truck for purposes of this subdivision is defined as a motor vehicle so designed and constructed that it straddles the load to be transported and by means of appropriate mechanism picks up the load and supports it during transportation.

CHAPTER 1381

An act to amend Sections 30 and 31 of the Revenue and Taxation Code, relating to the enforcement in this State of tax liabilities of other states and political subdivisions thereof and the collection in other states of taxes due this State and political subdivisions thereof.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 30 of the Revenue and Taxation Code is amended to read:

30. The courts of this State shall recognize and enforce liabilities for taxes lawfully imposed by any other state, or the political subdivisions thereof, which extends a like comity to this State.

Enforcement of tax liabilities imposed by other states

SEC. 2. Section 31 of the Revenue and Taxation Code is amended to read:

31. The Attorney General or an appropriate official of any political subdivision of this State may bring suits in the courts of other states to collect taxes legally due this State or any political subdivision thereof. The officials of other states which extend a like comity to this State are empowered to sue for the collection of such taxes in the courts of this State. A certificate by the secretary of state under the great seal of the state that such officers have authority to collect the tax is conclusive evidence of such authority. This section does not apply to Parts 8 and 9 of this code.

Same Imposed by this State

CHAPTER 1382

An act to amend Section 1190.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1190.1 of the Code of Civil Procedure is amended to read:

Notice by sub-contractors, suppliers

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

Form, delivery

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller. In the case of any contract of the State by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form; provided, it is sufficient to inform the owner of the substantial matters herein provided for.

Withholding

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a

public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such last mentioned section and has been filed in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

Same Where insufficient

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro-rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

Fraudulent notice

(e) Any person who shall wilfully give a false notice of his claim to the owner or who shall wilfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro-rata distribution of such moneys and all right to any lien under this chapter.

Recovery of deficit

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro-rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

"Owner"

(g) The word "owner" as used in this action, includes the State, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

Notice to equitable owner

(h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision

(a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be under no obligation to do so unless a bond is furnished as hereinafter provided.

If such person entitled to file such claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the defendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

Disputed claims

(i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above, or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

Exemptions: Public or bonded work

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been filed in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

Service on branch manager

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance

company, escrow holder or other person holding such construction funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service. Service by mail

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto. Objection to sufficiency of sureties

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CHAPTER 1383

An act to add Section 1429.5 to the Penal Code, relating to criminal proceedings.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1429.5 is added to the Penal Code, to read:

1429.5. When a defendant pleads not guilty by reason of insanity to a misdemeanor charge, and also joins with it another plea or pleas, he shall first be tried as if he had entered such other plea or pleas only, and in such trial he shall be conclusively presumed to have been sane at the time the offense is alleged to have been committed. If the defendant shall be found guilty, or if the defendant pleads only not guilty by reason of insanity, then the defendant shall be certified to the superior court of the county for prompt trial to determine the question whether the defendant was sane or insane at the time the offense was committed. The superior court shall proceed as provided in Sections 1026 and 1027. If the verdict or finding be that the defendant was sane at the time the offense was committed the superior court shall remand the defendant to the court from which he was certified which court shall sentence the defendant as provided by law. If the verdict or finding be that the defendant was insane at the time the offense was committed the superior court shall proceed as provided in Section 1026. Insanity pleas

CHAPTER 1384

An act to add Section 13657 to the Education Code, relating to the rights of certificated employees.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 13657 is added to the Education Code, to read as follows:

"War"

13657. In specifying or defining the rights of employees in this article, the effect of war refers to "war" as defined in Section 29.

CHAPTER 1385

An act to amend Section 13653 of the Education Code, relating to the rights of terminated probationary employees.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 13653 of the Education Code is amended to read:

Re-employment. Effect of absence

13653. If the services of any probationary employee are terminated, or if such employee is dismissed, because of a reduction in the attendance of pupils or the discontinuance of a particular kind of service, and such employee is re-employed within a period of 39 months from the last day of the school year within which his service was so terminated, or within 39 months after the cessation of hostilities, if such reduction in attendance or discontinuance of service was due to war conditions, the period of his absence shall not count as a 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.

Every such probationary employee who has been re-employed as indicated in this section shall have all of the rights enumerated in this article for permanent employees, except the right of reappointment, subject only to the prior rights of permanent employees.

The provisions of this section shall apply to any probationary employee who shall be or who shall have been dismissed or terminated after January 1, 1949, because of reduction in attendance or discontinuance of a particular kind of service.

CHAPTER 1386

An act to amend Sections 13204.1 and 14495.1 of the Education Code, relating to certificated employees in military service.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 13204.1 of the Education Code is amended to read:

Effect of absence for military service

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 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.

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.

The dismissal or termination 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.

SEC. 2. Section 14495.1 of the Education Code is amended to read:

Subsequent payment of contributions

14495.1. Notwithstanding anything in Section 14495 to the contrary if any member of the Retirement System rendering any service for which credit is allowed under Section 14449 does not pay, while rendering such service, the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14495, and if said member does not qualify under Section 14495.2, 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 percent 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.

CHAPTER 1387

An act to amend Section 16091 of the Education Code, relating to readers for blind students, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 16091 of the Education Code is amended to read:

Expenditures for readers

16091. Whenever any blind person with the approval of the principal of the California School for the Blind and with the proper educational and moral qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this State, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. No more than seven hundred fifty dollars ($750) per annum shall be expended for the instruction of any one student, except that for graduate students no more than nine hundred dollars ($900) shall be expended for the instruction of any one student.

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 imme-

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

Increased costs for the compensation of readers for blind students have materially reduced the number of hours of assistance that blind students may have from readers under the limitations of the present law. In order that blind students may continue to have the assistance which was originally intended and provided for them, and in order to provide for the extra needs of graduate students, all presently attending colleges and universities, and thus to avoid the working of a serious hardship upon such blind students at the present time, it is necessary that this act take effect immediately.

CHAPTER 1388

An act to amend Sections 32503, 32651, 32653, 32657, 32665, 32667, 32802, 32803, 32809, 32950, 32954, 33101, 33102, 33103, 33104, 33105, 33106, 33107, 33108, 33109, 33110, 33111, 33112, 33114, 33115, 33116, 33117, 33118, 33119, 33120, 33121, 33122, 33123, 33124, 33125, 33127, 33128, 33129, 33130, 33133, 33134, 33135, 33136, 33137, 33138, 33140, 33141, 33143, 33145, 33146, 33147, 33148, 33250, and 33400 of, add Sections 32665.5, 32657.5, 32812, 33101.5, 33105.5, and 33107.5 to, and repeal Sections 32514, 32659, 32660, 32800, 32957, 33251, 33252, 33253, 33254, 33255, 33401, 33402, 33550, 33551, 33113, 33131, 33132, 33139, and 33144 of, the Streets and Highways Code, relating to off-street parking.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 32503 of the Streets and Highways Code is amended to read:

32503. Parking facilities of an authority are subject to the planning, zoning, sanitary, and building laws, ordinances, and regulations applicable to the locality in which they are situated. In the planning and location of any parking facility, an authority is subject to the relationship of the facility to any officially adopted master plan or sections of such master plan for the development of the area in which the authority functions to the same extent as if it were a private entity.

Regulation, etc., of parking facilities

SEC. 2 Section 32651 of said code is amended to read:

32651. The authority shall not transact any business or exercise any powers unless and until the legislative body of the city by resolution declares that there is need for the authority to function in the city.

Resolution of need

SEC. 3. Section 32653 of said code is amended to read:

32653. In any suit, action, or proceeding by or against or in any manner relating to an authority, the authority shall

Presumption of establishment, authority

be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of the resolution by the legislative body declaring the need for the authority to function.

SEC. 4. Section 32657 of said code is amended to read:

Appointment, term of members

32657. Three of the members first appointed shall be designated by the mayor, with the approval of the legislative body, to serve for terms of one, two, and three years, respectively, from a date specified by the mayor in their appointments, and two shall be designated to serve for terms of four years from that date. Thereafter members shall be appointed for a term of four years. All vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

SEC. 5. Section 32657.5 is added to said code, to read:

Meetings, vote of authority

32657.5. The authority shall hold meetings at such times as it shall determine. The concurring votes of three members of the authority shall be required for the taking of any action.

SEC. 6. Section 32665 of said code is amended to read:

Suspension of authority

32665. If within four years after the adoption of a resolution declaring the need for a parking authority to function in a city, the authority has not acquired or entered into possession of land for a parking facility, issued bonds, or entered into any contract for the acquisition, construction, or operation of a parking facility, the legislative body by resolution may declare that there is no need for the authority to function in the city. Upon the adoption of such resolution, the offices of the members of the authority become vacant and the capacity of the authority to transact business or exercise any power is suspended until the legislative body again adopts a resolution declaring the need for the authority to function.

SEC. 7. Section 32665.5 is added to said code, to read:

Reactivation of authority

32665.5. Upon the termination of any such suspension by the adoption of such resolution declaring the need for the authority to function, appointments of the members of such authority shall be made, and other proceedings for the organization and activation of the authority had and taken as if such resolution were the original resolution declaring need for a parking authority to function provided for by Section 32651. However, if such termination of any such suspension occurs within the term for which any member or members of the authority has or have been appointed, such member or members whose terms have not expired shall ipso facto by such termination be restored to office as such member or members, and shall serve for the remainder of his or their unexpired term or terms, as if such suspension had not occurred.

SEC. 8. Section 32667 of said code is amended to read:

Transfer to city

32667. At any time after the activation of a parking authority, the legislative body by a two-thirds vote may adopt a resolution transferring the property of the authority to the city, and the city may, through such department, board, officer, or agency, as it determines, exercise its powers in regard to such

property by virtue of the Constitution, its charter, this part or any general law. No such transfer shall be made in contravention of any covenant or agreement made with the holders of bonds of the authority issued and outstanding.

SEC. 9. Section 32802 of said code is amended to read:

Powers of authority

32802. The authority may:

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property within or outside the city, or any interest in, or improvements on, such property. However, no property of a state public body may be acquired without its consent.

(b) Acquire any property by the exercise of the power of eminent domain, except that property of a state public body shall not be acquired without its consent.

(c) Sell, lease, exchange, transfer, assign, or otherwise dispose of any real or personal property or any interest in such property.

(d) Lay out, open, extend, widen, straighten, establish, or change the grade, in whole or in part, of public parking facilities and public rights of way necessary or convenient for such facilities.

(e) Insure any of its real or personal property or operations against risks or hazards

SEC. 10. Section 32803 is amended to read:

Property

32803. The authority may acquire, construct, rent, lease, maintain, repair, manage and operate all or any portion of any real and personal property, including the leasing of the operation of the property, and the leasing for commercial purposes of surplus space or space which it is not economic to use for parking purposes.

SEC. 11. Section 32809 of said code is amended to read:

Borrowing funds

32809. The authority may borrow money or accept financial or other assistance from the city, the State, the Federal Government, or any other source for or in aid of any parking facility within its area of operation, and to such ends may comply with any conditions attached thereto.

SEC. 12. Section 32812 is added to said code, to read:

Use of city services, facilities

32812. In order that there may be no unnecessary duplication of effort or expense, the authority may provide for the furnishing of services by, and the use of facilities of, any department, office or agency of the city in lieu of, or in conjunction with, the direct provision by the authority of services and the use of facilities through employment or purchase or other means. The furnishing of such services and the use of such facilities of any such department, office or agency shall be upon such terms and conditions as may be approved by the authority and the legislative body of the city, and subject to reimbursement of the appropriate funds of the city for the reasonable value thereof. The legislative body may, from time to time, by resolution, provide for the making by the authority to the city, annually, of a payment, the amount of which shall be determined in a manner provided by such legislative body, but which shall

not exceed the amount the authority would be required to pay to the city in ad valorem taxes if it were a private entity owning the same property.

SEC. 13. Section 32950 of said code is amended to read:

Acquisition of existing facilities Hearing

32950. An authority shall not acquire any existing parking facility by the exercise of the power of eminent domain except after public hearing. Notice of the date, time, place, and purpose of the hearing shall be published once not less than 10 nor more than 20 days prior to the hearing in a newspaper of general circulation printed and published in the city, or, if there be no such newspaper printed and published therein, by posting copies of the notice in at least three public places in the city not less than 10 nor more than 20 days prior to the date of the hearing.

SEC. 14. Section 32954 of said code is amended to read:

Operation by authority

32954. If no bid which the authority finds to be reasonable and valid is received upon the original advertising, the authority need not readvertise and may operate the project itself.

SEC. 15. Section 33101 of said code is amended to read:

Election re bonds

33101. Bonds shall not be issued in any city until the legislative body, either at a general or a special election, submits to the electors of the city the question whether the city or the authority, or both, shall be authorized to adopt the revenue bond method of financing projects provided for in this part. If a majority of the voters voting upon the proposition favor the proposition, the authority, or the city, or both, as specified in the proposition, may from time to time issue bonds in accordance with this part. In any city in which the voters have previously authorized the issuance of general obligation bonds or revenue bonds for parking facilities an authority or the city, pursuant to Section 33552, may issue bonds without submitting such proposition to the voters.

SEC. 16. Section 33101.5 is added to said code, to read:

Same Alternative

33101.5. In lieu of the submission of such question the legislative body may from time to time so submit to such electors the proposition of the issuance, by the authority or the city, pursuant to this part, of revenue bonds in a specific amount, to finance a specific project or specific projects. If at any such election a majority of the voters voting upon the proposition vote in favor thereof, the power to issue revenue bonds as provided in this part shall be operative as to the bonds so specified, and the authority, or the city, as may have been so specified, may from time to time issue revenue bonds in accordance with the provisions of this part in an amount or amounts not exceeding the amount so specified for the project or projects so specified.

SEC. 17. Section 33102 of said code is amended to read:

Authority bonds

33102. The authority shall have power to borrow money to provide funds for any project and to issue in its name revenue bonds to evidence the indebtedness created by such borrowing. The bonds of each issue shall constitute special obligations, and evidence a special indebtedness, of the authority, which shall be

a charge upon, and payable, both as principal and interest, and as to any premiums upon the redemption of any thereof, solely from, such revenues and funds as are specified therein and in the proceedings for their issuance, and shall not constitute obligations, nor evidence any indebtedness, of the city, or of the State.

SEC. 18. Section 33103 of said code is amended to read:

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33103. All such bonds shall recite upon their face, in substance, that the bonds of each issue shall constitute special obligations, and evidence a special indebtedness, of the authority, which shall be a charge upon, and payable, both as principal and interest, and as to any premiums upon the redemption of any thereof, solely from, such revenues and funds as are specified therein and in the proceedings for their issuance, and shall not constitute obligations, nor evidence any indebtedness, of the city, or of the State, and shall also recite upon their face that they are issued under this part, which for that purpose may be designated by the short title provided for in Section 32500.

SEC. 19. Section 33104 of said code is amended to read:

Sources of payment

33104. An authority may issue such types of bonds as it determines, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenue of the parking facilities financed with the proceeds of the bonds, or with such proceeds and financial assistance from the State or Federal Governments or from any other source in aid of such projects.

(b) Exclusively from the income and revenue of certain designated parking facilities, whether or not such facilities were financed in whole or in part with the proceeds of the bonds, and including income or revenue from any future extension, betterment, or addition to any such parking facilities thereafter to be established.

(c) From its revenues generally.

(d) From any contributions or other financial assistance from the city, the State or Federal Governments, or from any other source.

(e) From parking meter revenue of the city which may be appropriated by the governing body of the city.

(f) From any combination of these sources.

SEC. 20. Section 33105 of said code is amended to read:

Additional security

33105. Bonds may be additionally secured by the pledging of, placing a charge upon, or otherwise making available any parking meter revenue. Until all bonds so secured have been paid, the legislative body of a city may allocate, pledge, place a charge upon, or otherwise make available its parking meter revenue or special taxes for periods of years for the financing or operation of any project authorized by this part and the payment of principal and interest on all or any type of bond issued and outstanding pursuant to this part.

SEC. 21. Section 33105.5 is added to said code, to read:

Additional sources of payment

33105.5. Nothing in this part nor in the specification, in the proceedings for the issuance of any bonds, of the sources of payment thereof, shall preclude any of the following:

(a) The payment of interest on or principal of any such bonds out of sums received as premiums or accrued interest on the sale thereof.

(b) The payment of principal of or interest on, or premiums on the redemption of, any such bonds out of the proceeds of the sale of refunding bonds issued for that purpose.

(c) The payment of any interest on any such bonds accruing during, and for not to exceed two years after, the period of the construction of a project on account of which they were issued, or for any other reasonably limited period, out of the proceeds of the sale of such bonds.

(d) The payment of any principal of, interest on, or premiums on the redemption of, any such bonds by the purchasers thereof, or by any entity other than the authority issuing the same in any case where such purchasers or entity may have guaranteed such payment.

(e) The application to the payment of any principal of, interest on, or premiums on the redemption of, any such bonds of any funds which the authority may lawfully so apply.

SEC. 22. Section 33106 of said code is amended to read:

Terms and conditions

33106. Except as limited by express provision of this part, each authority, by resolution, or by contract, or other agreement with, or for the benefit of, the bondholders, may determine all the terms and conditions of each issue, series, or division of bonds and of their sale and issuance, and all matters necessary or appropriate in connection with the bonds.

SEC. 23. Section 33107 of said code is amended to read:

Aggregate principal, maturities, sinking funds, etc

33107. An authority may provide for the aggregate principal amount, date or dates, maturities, interest rate or rates, interest payment dates, denominations and form of such bonds, and may provide for the issuance thereof as serial bonds or sinking fund bonds, as payable to bearer or to named payees, or as registered bonds, and for the issuance thereof with or without coupons, and for the subsequent registration of bonds, and for all other terms and conditions upon which they shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded.

SEC. 24. Section 33107.5 is added to said code, to read:

Effect of resolutions

33107.5. The authority may provide that any resolution or resolutions adopted in connection with the authorization of any bonds shall constitute a contract with the holders of such bonds, not subject to repeal, and not subject to any modification other than to the extent and in a manner provided in any such resolution.

SEC. 25. Section 33108 of said code is amended to read:

Same Incorporation by reference

33108. Reference on the face of the bonds to any such resolution by the date of its adoption, or to any such contract or other agreement by the date of its execution, or the apparent

date on the face thereof, is sufficient to incorporate all of the provisions of the contract or agreement into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and is bound thereby.

SEC. 26. Section 33109 of said code is amended to read:

Covenants Security

33109. The authority may provide for such covenants and agreements on the part of the authority as it deems necessary or advisable for the better security of any bonds.

SEC. 27. Section 33110 of said code is amended to read:

Date, place manner of payment

33110. The authority may provide for the making of a covenant requiring the authority to pay punctually the principal and interest on any bonds on the date or dates, at the place or places, and in the manner mentioned in the bonds and coupons in accordance with their terms.

SEC. 28. Section 33111 of said code is amended to read:

Operation of facilities

33111. The authority may provide for the making of a covenant requiring the authority to continuously operate in an efficient and economical manner any or all facilities and properties any revenues of which are charged with the payment of any bonds in connection with which such covenant is made.

SEC. 29. Section 33112 of said code is amended to read:

Repairs, renewals, replacement of facilities

33112. The authority may provide for the making of a covenant requiring the authority to make all repairs, renewals and replacements necessary to the operation of any or all facilities and properties any revenues of which are charged with the payment of any bonds in connection with which such covenant is made, and to keep any and all such facilities and property at all times in good repair.

SEC. 30. Section 33114 of said code is amended to read:

Discharge of claims

33114. The authority may provide for the making of a covenant requiring the authority to pay and discharge from the funds available for that purpose all lawful claims for labor, materials and supplies, or other charges which if unpaid may become a lien or charge upon all or any part of the revenue, any facilities or properties, revenues charged with the payment of any bonds in connection with which the covenant is made, or physical properties of the project which may impair the security of the bonds.

SEC. 31. Section 33115 of said code is amended to read:

Restriction, prohibition of right to impair, etc., bondholders' rights

33115. The authority may provide for the making of a covenant which limits, restricts, or prohibits the power of the authority to mortgage or otherwise encumber, sell, lease, or dispose of any or all facilities and properties, any revenues of which are charged with the payment of any bonds in connection with which the covenant is made, or to enter into any lease or agreement which might impair or impede the operation of such facilities or properties, or any part thereof, or might otherwise impair or impede the rights of bondholders with respect to such revenues.

SEC. 32. Section 33116 of said code is amended to read:

Revenues charged with payment

33116. The authority may provide for the making of a covenant requiring the authority to fix, prescribe and collect, with respect to any or all properties, any revenues of which are charged with the payment of any bonds in connection with which such covenant is made, fees, tolls, rentals or other charges in connection with the services and facilities furnished from any such properties operated by it, and to fix and collect rentals or other charges for any such properties leased by it to others for operation, sufficient, with such parking meter revenues or other funds as may have been made available for and charged with such payment, to pay the principal of and interest on such bonds as they become due and payable, together with all expenses of operation, maintenance and repair of such facilities and properties, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such facilities and properties, and all other charges payable out of any revenues charged with the payment of the bonds.

The authority may also provide for the making of a covenant requiring the fixing and prescribing by it and the collection by any lessee or operator of any or all facilities and properties, any revenues of which are charged with the payment of any bonds in connection with which such covenant is made, of all fees, tolls, rentals, or other charges in connection with the services and facilities furnished by such lessee or operator, sufficient to assure the payment by such lessee or operator to such authority of the rentals or other charges payable by such lessee or operator to such authority.

SEC. 33. Section 33117 of said code is amended to read:

Reserves, sinking funds

33117. The authority may provide for the making of a covenant requiring the authority to provide for the establishment and maintenance of reserve funds, sinking funds, or other special funds in the city treasury or special trust accounts in a bank or trust company to insure payment, when due or payable, whether at maturity or upon redemption, of the principal of and interest on any bonds, including premiums, if any due, upon the redemption of any thereof, or to insure the application of the proceeds of such bonds to the purposes for which the same were issued, or for any other appropriate purpose. Any money placed in any such reserve, sinking, or other special fund or trust account shall constitute a trust fund and shall be applied only to the purposes for which it was created.

SEC. 34. Section 33118 of said code is amended to read:

Application of bond proceeds

33118. The authority may provide for the making of a covenant requiring it to apply the proceeds of the bonds in connection with which such covenant is made, or any part thereof, to the acquisition or construction of a specified facility, or other specified purpose.

SEC. 35. Section 33119 of said code is amended to read:

33119. The authority may provide for the making of a covenant restricting the incurring of additional indebtedness payable in whole or in part out of revenues or funds which are charged with the payment of any bonds in connection with which such covenant is made. Incurrence of additional debt

SEC. 36. Section 33120 of said code is amended to read:

33120. The authority may provide for the making of a covenant requiring it to carry insurance on any facilities or properties any revenues of which are charged with the payment of any bonds in connection with which such covenant is made, or any operations incident thereto, specifying or limiting the kind, amount and character of such insurance, and providing for the use and disposition of the proceeds of any such insurance thereafter collected. Insurance

SEC. 37. Section 33121 of said code is amended to read:

33121. The authority may provide for the terms and conditions upon which any bonds may become or be declared due and payable prior to maturity, upon the happening of any specified event of default, and the terms and conditions upon which such declaration and its consequences may be waived. Acceleration of maturity

SEC. 38. Section 33122 of said code is amended to read:

33122. The authority may provide for the rights, limitations, powers, and duties arising upon breach by the authority of any of the covenants, conditions, or obligations contained in any resolution, contract, or agreement. Effect of breach of covenants, etc.

SEC. 39. Section 33123 of said code is amended to read:

33123. The authority may provide for a procedure by which certain specified terms and conditions of any resolution, contract, or agreement may be subsequently amended or modified, or any provision thereof waived, with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such provision may authorize meetings of bondholders and specify the manner in which the consent of the bondholders may be given. Such provision shall specifically state the effect of such amendment, modification, or waiver upon the rights of the holders of all of the bonds and interest coupons appertaining to the bonds, whether attached to or detached from the bonds. Amendment, modification, waiver of agreements

SEC. 40. Section 33124 of said code is amended to read:

33124. The provisions for such procedure may include an agreement that bonds held by the authority, the city, or by any other person or entity who or which the authority may determine to be so interested in the matter as to make it proper, shall not be counted as outstanding bonds, and that the holders thereof shall not be entitled to vote or assent with respect to such amendment, modification or waiver, but shall nevertheless be subject thereto. Same Assent of bondholders

SEC. 41. Section 33125 of said code is amended to read:

33125. The authority may provide for such other acts and matters as it may deem to be necessary, convenient, or desirable to secure the bonds or to make them more marketable. Marketability

SEC. 42. Section 33127 of said code is amended to read:

Disposition of funds by trustee

33127. The authority may fix and determine the conditions upon which any trustee shall receive, hold, or disburse any or all funds coming into its hands pursuant to any resolution, contract, or agreement.

SEC. 43. Section 33128 of said code is amended to read:

Duties, powers of trustee

33128. The authority may prescribe the duties and powers of any trustee respecting the payment of principal and interest on bonds, the redemption of bonds, the registration and discharge from registration of bonds, and the management of any sinking or other fund provided as security for bonds, and with respect to any other appropriate matter.

SEC. 44. Section 33129 of said code is amended to read:

Series divisions, maturities of bonds

33129. The authority may provide for the issuance of bonds in series, and for the division of any issue into two or more divisions, and may fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. After having authorized or issued bonds the authority may from time to time thereafter authorize and issue other bonds, subject to any covenants it may have made restricting the future issuance of bonds.

SEC. 45. Section 33130 of said code is amended to read:

Varying terms

33130. All bonds of the same authorized issue need not be of the same kind or character, have the same security, or bear the same interest rate, but the terms of the bonds shall in each case be prescribed by the authority.

SEC. 46. Section 33133 of said code is amended to read:

Call, redemption

33133. Bonds may be callable upon such terms, conditions, and notice as the authority determines, and upon the payment of the premium, if any, fixed by the authority in the proceedings for their issuance. No bond shall be subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on its face.

SEC. 47. Section 33134 of said code is amended to read:

Payment

33134. The authority may provide for the payment of the principal and interest of bonds at any place within the State, or for the payment or collection of such principal without the State, and in any specified coin or currency of the United States.

SEC. 48. Section 33135 of said code is amended to read:

Execution

33135. Signatures on the bonds and interest coupons may be printed, lithographed, or engraved facsimile, except that on the bonds, but not on the interest coupons, the countersignature of the clerk or other officer of the authority designated by it which shall be manually affixed.

SEC. 49. Section 33136 of said code is amended to read:

Same Continuing validity

33136. If any officer or representative whose signature or countersignature appears upon the bonds or coupons ceases to be an officer or representative before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid

and of the same force and effect as if he had continued to hold his office or position until the delivery of the bonds and coupons.

SEC. 50. Section 33137 of said code is amended to read:

Types, maximum term

33137. Bonds issued under this part may be serial or sinking fund bonds. A bond by its terms shall not mature more than forty (40) years from its own date. If any authorized issue is divided into two or more series or divisions, the maximum maturity date shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 51. Section 33138 of said code is amended to read:

33138. The authority may sell bonds at less than their par or face value, but a bond shall not be sold at a price below its par or face value which would result in a sale price yielding to the purchaser an average of more than 6 percent a year, payable semiannually, according to standard tables of bond values.

SEC. 52. Section 33140 of said code is amended to read:

Payment of interest

33140. The authority may provide that interest on bonds issued for the acquisition, construction, or completion of any project may be paid out of the proceeds of the sale of the bonds during the actual construction of the project and for a period of not to exceed two years after completion of actual construction, or for any other reasonably limited period.

SEC. 53. Section 33141 of said code is amended to read:

Charge on revenue of project

33141. In the proceedings for the issuance of bonds, the authority may provide that the principal of and interest on the bonds constitute such charge upon the revenues of any project acquired, constructed or completed from the proceeds of the bonds, or upon other available and specified revenues or funds as may be provided for in such proceedings.

SEC. 54. Section 33143 of said code is amended to read:

Tax exemption

33143 The principal, interest, and income of all bonds issued under this part are exempt from all taxation in this State, other than gift, inheritance, and estate taxes.

SEC. 55. Section 33145 of said code is amended to read:

Refunding bonds

33145. The authority may provide for the issuance, sale, or exchange of refunding bonds to redeem or retire any revenue bonds issued by it. All provisions of this part applicable to the issuance of bonds are applicable to refunding bonds and to their issuance, sale or exchange. However, even if the alternative method provided for in Section 32655 of submitting to the electors the question of issuing bonds in a specific amount has been followed, without the submission of the question of adopting the revenue bond method of financing, no submission to the electors of the proposition of issuing refunding bonds shall be required as a prerequisite to the issuance of such refunding bonds; and if the proposition of adopting the revenue bond method of financing has been submitted and carried, it shall be full authority for the issuance of refunding bonds.

SEC. 56. Section 33146 of said code is amended to read:

Same Amount issuable

33146. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the bonds to be refunded and all expenses incident to the calling, retiring, or paying of the outstanding bonds and the issuance of the refunding bonds. These expenses include:

(a) The difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold.

(b) The amount of interest upon the refunding bonds from the date of their sale to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to their call or pursuant to any agreement with the holders of such bonds.

(c) Any premium required to be paid to call or retire the outstanding bonds.

(d) The interest accruing on the outstanding bonds to the date of their call or retirement.

SEC. 57. Section 33147 of said code is amended to read:

Negotiability of bonds

33147. Bonds issued pursuant to this part are negotiable instruments.

SEC. 58. Section 33148 of said code is amended to read:

Action to determine validity

33148. Prior to the issuance of any bonds, the authority may commence a special proceeding in the superior court of the county in which the city is located to determine the right to issue the bonds and their validity. The proceeding shall be instituted and prosecuted in the manner provided by Sections 22670 to 22674, inclusive, and 22676 to 22684, inclusive, of the Water Code. These sections apply to and govern all proceedings instituted pursuant to this part. However, in so applying such provisions, all references to a district shall be understood as references to the authority; all references to any assessment or the levying thereof shall be disregarded, and the provisions of Section 22681 relating to the exchanging of bonds for property shall be understood as relating to the exchanging of refunding bonds for bonds to be refunded thereby. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the city and the State of California. The proceeding is in rem and the judgment rendered therein is conclusive against all persons, the city, and the State.

SEC. 59. Section 33250 of said code is amended to read:

Performance of covenants

33250. The authority shall have power, and it shall be its duty, fully and faithfully to keep and perform any covenant it may make pursuant to Section 33116 with or for the benefit of the holders of any bonds with respect to the fixing and maintaining of fees, tolls, rentals or other charges, and each and every other covenant it may make, or obligation it may assume, pursuant to any provision of this part, and it shall be the duty of each and every officer, representative and employee of the authority to do and perform each and every act necessary or appropriate for such keeping and performance by such authority of every such covenant and obligation.

SEC. 60. Section 33400 of said code is amended to read:

33400. In addition to all other rights conferred on an obligee and subject only to any contractual restrictions binding upon him, an obligee may: Rights of obligee

(a) By mandamus, suit, action, or proceeding at law or in equity, compel the authority and its members, officers, agents or employees to perform every term, provision, and covenant contained in any contract of the authority with or for the benefit of the obligee, to carry out all covenants and agreements of the authority, and to fulfill all duties imposed upon the authority by this part.

(b) By suit, action, or proceeding in equity, enjoin any acts or things which are unlawful and in violation of any of the rights of the obligee.

SEC. 61. Nothing in this act shall in anywise invalidate any step or proceeding whatsoever heretofore taken, or in process of being taken, under the Parking Law of 1949. Without limiting the generality of the foregoing provision nothing herein shall require any new election in the case of any city in which an election has been held pursuant to Section 4 of said Parking Law of 1949 on the question as to whether or not the legislative body, or the authority, or both, shall be authorized to adopt the revenue bond method of financing projects provided for in said law, and at such election a majority of the voters voting upon the proposition shall have voted in favor of such proposition. Effect on Parking Law of 1949 (Stats 1949, p 2658)

SEC. 62. Sections 32514, 32659, 32660, 32800, 32957, 33251, 33252, 33253, 33254, 33255, 33401, 33402, 33550, 33551, 33113, 33131, 33132, 33139, and 33144 of said code are repealed. Repeal

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CHAPTER 1389

An act to add Sections 258.1 and 259.1 to the Vehicle Code, relating to operators of school busses and temporary issuance of chauffeurs' licenses therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.] In effect immediately

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

SECTION 1. Section 258.1 is added to the Vehicle Code, to read:

258.1. Chauffeurs' Licenses for School Bus Drivers During Existing National Defense Emergency. Chauffeurs' licenses may be issued to persons 17 years of age or over permitting such persons to drive school busses. Age requirement

SEC. 2. Section 259.1 is added to said code, to read:

259.1. Age of School Bus Drivers During Existing National Defense Emergency. It is unlawful for any person under the age of 17 years to drive a school bus transporting pupils to or from school. Same Unlawful acts

Duration

SEC. 3. The sections of the Vehicle Code added by this act shall remain in effect until the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature or until the termination of the existing national defense emergency as evidenced by cessation of compulsory military service in the Armed Forces of the United States by citizens of this State, and as found and declared by proclamation issued by the Governor, whichever first occurs. While these sections are in effect they shall supersede any existing provisions of law which are in conflict with these sections; but such provisions are not repealed by these sections and after these sections are no longer effective shall have the same force as though these sections had not been enacted.

Urgency

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

It is the custom in many school districts to employ 18- and 19-year-old student drivers of school busses This custom results in the saving of about half the expense of operating such busses by employing as the school bus driver the student otherwise qualified living the farthest from the school on a particular route so that he may pick up other students on his route while he drives to school and discharge them on his return home. Because of the drafting, or imminent drafting, of 18- and 19-year-old students in the present national defense emergency, it is becoming difficult to furnish adequate school transportation service, and the situation will be extremely critical in many school districts by the opening of schools this fall unless 17-year-old student drivers can be made available by that time.

CHAPTER 1390

An act to add Section 585.4 to the Vehicle Code, relating to the removal of vehicles parked upon streets or highways by local authorities.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 585.4 is added to the Vehicle Code, to read:

Removal of vehicles Conditions

585.4. Any vehicle which is parked or left standing upon a street or highway between the hours of 7 a.m. and 7 p.m. when local authorities have by ordinance or resolution prohibited the parking or standing of vehicles thereon may be removed from such street or highway by an officer referred to in Section 585, subject to the procedure set forth therein; provided, such re-

moval is authorized by ordinance. No vehicle may be removed unless signs are posted giving notice of such removal. This section shall be construed as a clarification and specific application of Section 585.2, and not as a limitation thereon.

CHAPTER 1391

An act to amend Sections 472 and 586 of the Vehicle Code, relating to stopping, standing, or parking of vehicles.

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 472 of the Vehicle Code is amended to read:

Curb markings

472. Curb Markings to Indicate Parking Regulations. Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used and such colors indicate as follows:

(a) Red indicates no stopping, standing or parking, whether the vehicle is attended or unattended; except that a bus may stop in a red zone marked or signposted as a bus loading zone; and except that a vehicle may stop, for the purpose of depositing mail, in a red zone marked or signposted for the purpose of permitting such deposit in a mailbox so placed that an occupant of a vehicle is able to deposit mail therein without leaving the vehicle.

(b) Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for such time as may be specified by local ordinance.

(c) White indicates stopping only for loading or unloading of passengers for such time as may be specified by local ordinance.

(d) Green indicates time limit parking specified by local ordinance.

Regulations indicated as above provided shall be effective upon such days and during such hours or times as may be prescribed by local ordinances.

SEC. 2. Section 586 of said code is amended to read:

Prohibited places to stop, stand, or park

586. Stopping, Standing or Parking Prohibited in Specified Places. No person shall stop, park or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control signal device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent curb opposite such zone or along such curb within such distance from a point

opposite an end of such safety zone as may be indicated by a sign or red paint on such curb when such sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station.

(e) In front of a public or private driveway.

(f) On a sidewalk.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb when such sign or red paint was erected or placed by local authorities pursuant to ordinance.

(j) In a tube or tunnel or upon a bridge.

CHAPTER 1392

An act to amend Section 459 of the Vehicle Code, relative to the powers of local authorities to make rules and regulations concerning the regulation of traffic.

In effect September 22, 1951

[Approved by Governor July 7, 1951. Filed with Secretary of State July 9, 1951.]

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

SECTION 1. Section 459 of the Vehicle Code is amended to read:

Local rules and regulations: Permissible subjects

459. The provisions of this division shall not prevent local authorities within the reasonable exercise of the police power from adopting rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other traffic control signaling devices.

(e) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(f) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction such highway is no longer needed for vehicular traffic.

(g) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the

same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection.

(h) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Section 50¼ of the Public Utilities Act.

(i) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in secondary schools of this State.

(j) Prohibiting the parking or standing of vehicles on certain streets or highways, or portions thereof, at all or certain hours of the day. Signs shall be erected on such streets or highways giving motorists notice of such prohibition.

No ordinance or resolution enacted under subdivision (e), (f), (g), (h), (i) or (j) hereof shall be effective until signs giving notice of such local traffic laws are posted at all entrances to the highway or part thereof affected. All signs giving notice of any local traffic laws under subdivision (f) hereof shall conform to the specifications applicable to stop signs hereinafter set forth. Same Conditions

No ordinance or resolution proposed to be enacted under subdivisions (d), (e), (f), (g), (h), (i) or (j) hereof shall be effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the same; provided, that as to any state highway, if prior to the enactment of such ordinance or resolution, the legislative body of the local authority proposing to enact the same shall submit to the Department of Public Works such ordinance or resolution in complete draft form, and the said department gives its approval in writing to the application thereof to such state highways or parts thereof as the department shall specify in said approval, then said ordinance or resolution shall upon its enactment be effective as to such state highways or parts thereof as the department shall have specified in its said approval.

CHAPTER 1393

An act to amend Section 19.6 of the Fish and Game Code, relating to powers of the Fish and Game Commission.

[Approved by Governor July 9, 1951 Filed with Secretary of State July 10, 1951] In effect September 22, 1951

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

SECTION 1. Section 19.6 of the Fish and Game Code is amended to read:

19.6. The provisions of this article shall be effective until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no force or effect. Duration

CHAPTER 1394

Stats. 1949, p. 2651, amended

An act to add Section 8.5 to the Municipal and Justice Court Act of 1949, relating to the election of municipal court judges in the City and County of San Francisco, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 8.5 is added to the act cited in the title, to read:

San Francisco municipal judges. Election

Sec. 8.5. Notwithstanding the provisions of Section 8, judges of municipal courts in the City and County of San Francisco shall be elected at the time and in the manner prescribed in the charter of that city and county.

Urgency

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

Under the charter of the City and County of San Francisco, municipal court judges are elected at elections held as specified in the charter at a single election, the candidate receiving the greatest number of votes being elected irrespective of the number of candidates.

Section 8 of the Municipal and Justice Court Act of 1949, which supersedes this charter provision, provides that such judges shall be elected at general state elections in the manner specified in the Elections Code for the election of judicial officers.

In order that such judges may continue to be elected in the manner approved by the people of the city and county it is necessary that this act be in effect immediately.

CHAPTER 1395

An act to add Section 66u to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Shasta, and providing for the appointment of an additional judge and for compensation.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

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

Shasta County superior judge

66u. In the County of Shasta there shall be two judges of the superior court.

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 Shasta in addition to the superior court judge already provided for by law in said County of Shasta, who shall hold office until the first Monday after the first day of January, 1953. At the general election to be held in November, 1952, one additional judge of the Superior Court of Shasta 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 time prescribed by the Constitution and by law. Appointment, election

SEC. 3. 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 Shasta County now or hereafter authorized by law. Salary

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CHAPTER 1396

An act to amend Section 6504 of the Public Resources Code, relating to execution of leases on public lands.

[Approved by Governor July 9, 1951 Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 6504 of the Public Resources Code is amended to read:

6504. Whenever any lease is delivered to an applicant by the commission, the lessee shall within 30 days thereafter, execute and return the lease to the commission and pay the first annual rental or other consideration. The commission shall receive the money and give a receipt therefor. All subsequent annual payments of rental or other consideration shall be paid within 15 days after they become due. Public land leases Execution, return, rentals

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CHAPTER 1397

An act to add Sections 55.1, 55.2, and 55.3 to the State Water Resources Act of 1945, relating to the project on the Russian River for flood control and water conservation.

[Approved by Governor July 9, 1951 Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 55.1 is added to the act cited in the title hereof, to read as follows:

Sec. 55.1. The project on the Russian River for flood protection and water conservation in Sonoma and Mendocino Counties is hereby adopted and authorized substantially in accord- Adoption of plan

ance with the recommendations of the Chief of Engineers in House Document No. 585, Eighty-first Congress, Second Session, as authorized by Act of Congress approved May 17, 1950, Public Law 516, Eighty-first Congress, Second Session, at an estimated cost to the State of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the State Water Resources Board, when funds for carrying out said project are appropriated by Congress.

SEC. 2. Section 55 2 is added to said act, to read:

Assurances of cooperation

Sec. 55.2. The Sonoma County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 201 of the Act of Congress approved May 17, 1950, (Public Law 516, Eighty-first Congress, Second Session) will be furnished by the Sonoma County Flood Control and Water Conservation District in connection with the plan of flood control adopted and authorized in Section 55.1 of this act.

SEC. 3. Section 55.3 is added to said act, to read:

Execution of plans

Sec. 55.3 It shall be the duty of the Sonoma County Flood Control and Water Conservation District, in conjunction with the Department of the Army, to execute the plans and projects referred to in Section 55 1 of this act and exercise all powers granted to it in the Sonoma County Flood Control and Water Conservation District Act, and said district may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

CHAPTER 1398

An act to add Section 20631 to the Government Code, relating to the State Employees' Retirement System in respect to withdrawal of additional voluntary contributions.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 20631 is added to the Government Code, to read:

Election to withdraw contributions

20631. Every member who is in state service on the date this section takes effect and who has made additional contributions pursuant to Section 20630 has the right to elect, not later than 90 days after notice of such right is mailed by this system, to the office, department, or contracting agency by which the member is currently employed or to the member's latest address on file in the office of this system, to withdraw forthwith all or any part of his accumulated additional contributions, and to receive prompt repayment thereof in a lump sum.

Operative date

SEC. 2. This act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature.

CHAPTER 1399

An act to add Section 11010.5 to the Government Code, relating to contracts by state agencies.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.] In effect September 22, 1951

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

SECTION 1. Section 11010.5 is added to the Government Code, to read:

11010.5. Where authority is vested in any state agency to contract on behalf of the State, such authority shall include the power, by mutual consent of the contracting parties, to terminate, amend, or modify any contract within the scope of such authorization heretofore or hereafter entered into by such state agency. The modification, amendment, or termination of any contract subject by law to the approval of the Department of Finance, Director of Finance, or other state agency, shall also be subject to such approval. Power to terminate, amend, or modify

This section does not apply to contracts entered into pursuant to any statute expressly requiring that such contracts be let or awarded on the basis of competitive bids. Contracts required to be let or awarded on the basis of competitive bids pursuant to any such statute may be terminated, amended, or modified only if such termination, amendment, or modification is authorized under provision of law other than this section.

CHAPTER 1400

An act to add Section 1552.2 to the Welfare and Institutions Code, relating to aid to needy children in respect to payments in kind.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1552.2 is added to the Welfare and Institutions Code, to read:

1552.2. Aid under this chapter may be paid in kind, wholly or in part, in any case where it is determined by the welfare director of the county in which the case is pending that there is mismanagement of aid payments in cash by the person in receipt thereof. The State Department of Social Welfare shall make and promulgate rules and regulations for the payment of aid under this section, so that such aid will be paid only in cases wherein it is shown to be necessary. Aid under this section shall be paid in accordance with minimum basic standards of adequate care as prescribed by Section 1511.5 of this code. The cost of Determination of mismanagement of cash Payment in kind

aid shall be borne by the State and county in the same proportion and up to the same maximums as are specified for state-county participation in aid in Section 1511 and 1512 of this code. Nothing in this section shall be construed as requiring a county to provide aid in an amount in excess of that which it is required to provide under Section 1511 of this code. Aid granted under provisions of this section shall be paid without federal participation in the cost thereof whenever such federal participation is not provided by the laws of the United States or rules and regulations promulgated thereunder.

CHAPTER 1401

An act to amend Section 19627 of the Business and Professions Code, relating to the state revenue derived from horse racing licenses.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 19627 of the Business and Professions Code is amended to read:

Disposition of horse racing revenues

19627. All of the license fees for conducting horse racing meetings not payable into the Fair and Exposition Fund under this article shall be paid as follows: During each fiscal year there shall be paid into the Wildlife Restoration Fund, which fund is hereby created and all of the money in which is hereby appropriated to carry out the provisions of the Wildlife Conservation Act of 1947, one million dollars ($1,000.000), and the remainder of said license fees except as is otherwise provided by this article shall be paid into the General Fund in the State Treasury. The provision of this section providing for payments into the Wildlife Restoration Fund shall apply only to the 1951-1952 Fiscal Year and the two fiscal years thereafter.

Stats 1947, p 2881

CHAPTER 1402

An act to amend Section 1300.12 of the Agricultural Code, relating to marketing of agricultural commodities.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 1300.12 of the Agricultural Code is amended to read:

Definitions

1300.12. (a) "Cartwright Act" means the act passed by the Legislature of this State entitled "An act to define trust and to provide for criminal penalties and civil damages and punishment of corporations, persons, firms and associations, or persons

Stats 1907 p 984

connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended. Definitions

(b) "Unfair Practices Act" means an act passed by the Legislature of this State entitled "An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended. Stats 1913, p 508

(c) "Agricultural commodity" means any and all agricultural, horticultural, viticultural (including wine) and vegetable products and manufacturing milk as defined in Section 452 produced in this State, either in their natural state or as processed by a producer for the purpose of marketing such product or by a processor as herein defined, and including bees and honey but not including timber or timber products.

(d) "Producer" means any person engaged within this State in the business of producing, or causing to be produced for market, any agricultural commodity as herein defined.

(e) "Handler" means any person engaged within this State as a distributor in the business of distributing an agricultural commodity in intrastate commerce, or any person engaged as a processor in the business of processing an agricultural commodity.

(f) "Processor" means any person engaged within this State, in the operation of receiving, grading, packing, canning, fermenting, distilling, extracting, preserving, grinding, crushing or changing the form of an agricultural commodity for the purpose of preparing such agricultural commodity for market or of marketing such commodity, or any other activities performed for the purpose of preparing such commodity for market or of marketing such commodity, but shall not include a person engaged in manufacturing from an agricultural commodity, so changed in form, another and different product.

(g) "Distributor" means any person who engages in the operation of selling, marketing or distributing, in intrastate commerce, an agricultural commodity which he has produced, or purchased or acquired from a producer or which he is marketing on behalf of a producer, whether as owner, agent, employee, broker or otherwise, but shall not include a retailer as herein defined except such retailer who purchases or acquires from, or handles on behalf of any producer, an agricultural commodity not theretofore subjected to regulation by the marketing order covering such commodity.

(h) "Retailer" means any person who purchases or acquires any agricultural commodity for resale at retail to the general public for consumption off the premises but such person shall also be included within the definition of distributor, as

Definitions

herein set forth, to the extent that he engages in the business of a distributor as herein defined.

(i) "Person" means an individual, firm, corporation, association or any other business unit, and shall, for the purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

(j) "Director" means the Director of Agriculture.

(k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this act, prescribing rules and regulations governing the processing, distributing or handling in any manner of any agricultural commodity within this State during any specified period or periods

(*l*) "To handle" means to engage in the business of a handler as herein defined.

(m) "To process" means to engage in the business of a processor as herein defined.

(n) "To distribute" means to engage in the business of a distributor as herein defined.

(o) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer in preparing for market, and shall include selling, delivering or disposing of for commercial purposes, to any handler as herein defined any agricultural commodity which he has produced.

(p) "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of agricultural commodities to market and may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of any commodity or commodities included in any marketing order or marketing agreement made effective pursuant to the provisions of this chapter.

(q) As used in this chapter the terms "directly affecting" or "directly regulated or affected" shall include, in addition to any other method of regulation authorized in this chapter, the levying or collecting of any assessment under any marketing order or agreement or deducting producer assessments from any moneys owed by handlers to producers.

CHAPTER 1403

An act to amend Sections 43619 and 43620 of, and to add Section 43620.1 to, the Government Code, relating to bonds for municipal improvements.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 43619 of the Government Code is amended to read:

43619. The legislative body shall fix, and designate in the bonds, a time and place for payment of the bonds. Except as provided in Section 43620 of the code, not less than one-fortieth of the principal amount of each issue or series of bonds with interest on all sums unpaid shall be paid every year. Payment Time, place, amount

SEC. 2. Section 43620 of said code is amended to read:

43620. The legislative body may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds and in the case of bonds issued for the acquisition, construction, or completion of revenue-producing public works may fix a date not more than 10 years from the date of issuance for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year; provided, however, the bonds of any issue or series irrespective of the purpose for which the same are to be issued may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series. Maturity of series

SEC. 3. Section 43620.1 is added to said code, to read:

43620.1. At any time after an election authorizing the issuance of any bonds and prior to the delivery of such bonds to any purchaser the legislative body of a city may cause to be brought in the name of the city an action in the superior court of the county in which the city or the greater portion thereof is located to determine the validity of any such bonds. The action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within 10 days after the full publication of the summons in the manner herein provided. Any one interested may at any time before the expiration of the 10 days appear and by proper proceedings contest the validity of the bonds. If there is more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to the action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this code, are applicable to all actions or proceedings herein Action to determine validity

provided for. The motion for a new trial of any such action or proceedings must be heard and determined within 10 days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court. The action shall be speedily tried and judgment rendered declaring the bonds valid or invalid. Either party shall have the right to appeal to the Supreme Court at any time within 30 days after the rendition of judgment, which appeal must be heard and determined within three months from the time of taking such appeal.

CHAPTER 1404

An act to add Section 1033.5 to the Penal Code, relating to change of venue in criminal proceedings.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 1033.5 is added to the Penal Code, to read:

Change of venue Exhaustion of jury panels

1033.5. The court may of its own motion, or on petition of any of the parties to the proceeding, order a change of venue to an adjoining county, whenever it appears as a result of the exhaustion of all the jury panels called that it will be impossible to secure a jury to try the cause in the original county.

CHAPTER 1405

An act to create a flood control district to be called Santa Clara County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and

works to carry out the purposes of the district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.] In effect immediately

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

SECTION 1. This act shall be known and may be cited as the Santa Clara County Flood Control and Water Conservation District Act. Short title

SEC. 2. A flood control district is hereby created to be called the Santa Clara Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Santa Clara lying within the exterior boundaries of said county except the Santa Clara Valley Water Conservation District, the South Santa Clara Valley Water Conservation District, and the Central Santa Clara Valley Water Conservation District. As used in this act "district" means the Santa Clara County Flood Control and Water Conservation District. Territory

Any territory hereafter added to the Santa Clara Valley Water Conservation District, the South Santa Clara Valley Water Conservation District or the Central Santa Clara Valley Water Conservation District shall be automatically excluded from the Santa Clara County Flood Control and Water Conservation District, but shall remain liable to pay, and subject to any lien of, any valid outstanding bonds or other indebtedness of the district and every assessment or tax levied but not collected, at the time of exclusion, in the same manner as though the territory had not been excluded.

Whenever any land is so excluded from the Santa Clara County Flood Control and Water Conservation District, the board of supervisors of the district shall make an entry in the minutes describing the boundaries of the district as altered by the exclusion and transmit a copy thereof to the County Recorder of Santa Clara County.

SEC. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. Zones

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act.

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and Purposes of act

useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood or other waters including waters from any sources, within or without the watershed in which the district is located for beneficial use within the district.

Powers of district

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

Succession

1. To have perpetual succession.

Suits

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seals

3. To adopt a seal and alter it at pleasure.

Property

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

Storage, etc., of water

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to com-

mence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

Flood control

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

Cooperation

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

Investigations

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and

locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Entrance on lands

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Santa Clara County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Santa Clara County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other

party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Indebtedness

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

Taxes

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

Employees

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

Eminent domain

SEC. 6. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from

its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

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

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

"Board," "board of supervisors"

SEC. 7. The Board of Supervisors of Santa Clara County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Santa Clara County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Santa Clara County Flood Control and Water Conservation District.

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

Ex officio officers, assistants, etc.

SEC. 8. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Santa Clara, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Santa Clara County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Santa Clara County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Santa Clara County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of Santa Clara County.

Rules, regulations, employment

SEC. 9. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all need-

ful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

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

Employment of engineers to devise plan

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

Reports

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

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

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

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

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

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

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

Determination of project

SEC. 11. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or

2. For the common benefit of two or more zones hereinafter referred to as participating zones; or

3. For the benefit of a single zone.

Institution of projects in zones

SEC. 12. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

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

residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Advisory committee

SEC. 12.5. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint, for each zone, at the time of the adoption of its resolution of intent, an advisory committee of three persons who are property owners residing in the zone for which they are appointed, to represent before the board the residents and property owners of that zone. Each person so appointed shall be permitted to attend every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of the meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board.

SEC. 13. The board shall have power, in any year:

Tax levies

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to

enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Bonds

SEC. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Santa Clara County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Election

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

Same

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by

said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth (1/40) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Effect of irregularities

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

Form, terms, etc

SEC. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected,

and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Issue and sale

SEC. 16. The board may issue and sell the bonds of such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Santa Clara to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Santa Clara.

Security, deposit, registration

SEC. 17. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within said zone or participating zones and all property in said zone or participating zones shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in

payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

Tax to pay interest, principal

SEC. 18. The board shall levy a tax or assessment each year upon all property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Santa Clara County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Santa Clara County in the manner provided by law for the payment of principal and interest on bonds of said county.

Applicable laws

SEC. 19. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof.

1951-52 assessments, equalization

SEC. 20. Notwithstanding Section 54903 of the Government Code, the Santa Clara County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the Santa Clara County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1950-1951 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 54903 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of

the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the Santa Clara County Flood Control and Water Conservation District.

For the Fiscal Year 1951-1952, but for no other fiscal year, notwithstanding Section 19 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1951-1952 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1951-1952 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1951, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1951-1952, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

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

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

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1951-1952. Except as provided in this section, Section 19 of this act is applicable to

the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1951-1952.

Legal investment

SEC. 21. The bonds of the district issued for any zone or zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

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

Tax exemption

SEC. 22. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section $1\frac{a}{4}$ of Article XIII and Section 13 of Article XI of the Constitution of this State.

Contracts exceeding $2,000 Requirements

SEC. 23. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon

the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

Conformance with plan, etc.

SEC. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional bonds

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

Effect of failure to approve bonds

SEC. 26. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Effect of repeal, amendment of act

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

Grant of right of way over public lands

SEC. 28. There is hereby granted to Santa Clara County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Acquisition for relocation of street, etc

SEC. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 6 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.

Claims against district Limitation

SEC. 30. Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by

general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action theron commenced within one year after the cause of action arose.

Title to property

SEC. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

Action to determine legal existence

SEC. 32. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Santa Clara, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

Employee bonds

SEC. 33. Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute bonds conditioned, executed,

approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments.

Construction

SEC. 34. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Severability

SEC. 35. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Urgency

SEC. 36. 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 effective culmination of planning and application and operation of engineering and fiscal data developed for use in this project requires the development of an immediate and expedient program prior to the flood season. In order to accomplish this purpose and to effect operation at the earliest possible moment under favorable conditions, it is necessary that this act take effect immediately.

CHAPTER 1406

An act conveying certain tidelands and lands lying under inland navigable waters, situate in Bodega Harbor to the County of Sonoma, in furtherance of navigation and commerce and the fisheries and for public recreational purposes, and providing for the government, management and control thereof, reserving rights to the State.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

Tide, submerged lands of Bodega Harbor Grant to Sonoma County

SECTION 1. There is hereby granted and conveyed to the County of Sonoma all of the tide and submerged lands of Bodega Harbor situated within and bordering the County of Sonoma, more particularly bounded and described as follows:

"That part of Bodega Harbor, in Sonoma County, California, situated inside and landward of a straight line beginning at the southwesterly end of the South Jetty at the entrance to said Bodega Harbor at its intersection with Bodega Head, running thence north to a point in the North Jetty on the sand spit locally known as 'Doran Park'; said tide and submerged lands lie bayward of the ordinary high water mark as meandered and shown on the United States General Land Office Plat for Bodega Ranch, and specifically described on said plat between

stations; and by courses numbered 79 to 131, both inclusive, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857."

To be forever held by said county, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Conditions of grant

(a) That said lands shall be used by said county, and its successors, only for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, maintenance, and operation thereon of public buildings and public parks and playgrounds, and for public recreational purposes, and said county, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

(b) That said lands shall be improved by said county without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

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

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any

time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest. Conditions of grant

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said county without expense to the State, and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of Sonoma County, the area of state lands described in this act. Survey, recordation, etc.

There is hereby reserved to the State of California the area lying between points No. B98 and B99, as surveyed by the U. S. Surveyor General for California and dated November 21, 1857, an area described as follows:

Beginning at a point on the survey line of Bodega Rancho which is approximately P + B98, thence S 1°, 04′ E, 100′ + to a point on the mean high tide line of Bodega Bay; thence along said high tide line S 47° 42′ E, 800.0′ to a point, thence S 56° 12′ E, 172.9′ to a point still on said high tide line. Thence leaving said high tide line N 51° 50′ E to a point on the approximate survey line of Bodega Rancho, between Station B98 and B99; thence in a northwesterly direction along the said Bodega Rancho line to the point of beginning, and also any accretions bayward which has taken place since the date of this deed which was recorded October 22, 1935, Book 394, Page 229, Records of Sonoma County.

CHAPTER 1407

An act to amend Section 373 of the Elections Code, relating to indexes of registration.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.] In effect September 22, 1951

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

SECTION 1. Section 373 of the Elections Code is amended to read:

373. Upon demand of any Member of the Legislature or candidate who is to be voted for in the county, or in a city therein or in a political subdivision of either, or upon written demand of his campaign committee, or of any committee for or Registration indexes for legislators, candidates

against any proposed ballot measure, the county clerk shall furnish to such Member of the Legislature or to either the candidate or his campaign committee or to the ballot measure committee no more than two copies of the printed indexes of the registration for the primary and general elections in which such Member of the Legislature may participate as a candidate or in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents ($0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

CHAPTER 1408

An act to amend Sections 2842 and 2828 of the Elections Code, relating to state and county central committees.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 2842 of the Elections Code is amended to read:

County central committees Meetings, organization

2842. Each county central committee in a county containing 20 or more assembly districts shall meet in the courthouse at its county seat on the second Tuesday in July following the presidential primary in June, 1948, and on the second Tuesday in July every two years thereafter, except that in any year in which a national political party shall have set the national convention of the party to include such date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. At such meeting such county central committee shall organize by selecting a chairman, a secretary and such other officers and committees as it deems necessary for carrying on the campaign of the party. Every other county central committee shall meet in the courthouse at its county seat on the second Tuesday in July following the direct primary, except that in any year in which a national political party shall have set the national convention of the party to include such date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. At such meeting such county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the campaign of the party.

SEC. 2. Section 2828 of said code is amended to read:

State central committees Removal of members

2828. Each state central committee may remove any appointive member thereof, and each county central committee

may remove any member, other than an ex officio member, thereof, who during his term of membership affiliates with, or registers as a member of another party or who gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which that member represents.

CHAPTER 1409

An act to add Sections 3819.5 and 3929.5 to the Elections Code, relating to the division of the State into districts for the election of legislative representatives and determination of incumbency in such districts.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 3819.5 is added to the Elections Code, to read:

Determination of incumbency

3819.5. At the first elections for Representative in Congress, State Senator, and Assemblyman in each congressional, senatorial, and assembly district following reapportionment acts of the Legislature redefining the boundaries of the congressional, senatorial, and assembly districts pursuant to Sections 6 and 27 of Article IV of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be:

(1) That candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical number as the district from which he was last elected and in which there was no other holder of the same office residing as of March 1, 1951.

(2) In the event there is no candidate to whom the provisions of subdivision (1) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries as the district from which he was last elected, but which has a different number and in which there was no other holder of the same office residing as of March 1, 1951.

(3) In the event there is no candidate to whom the provisions of subdivisions (1) or (2) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which contains some portion of the territory previously contained within the district from which he was last elected in which there was no other holder of the same office residing as of March 1, 1951; provided, that in a new district which contains portions of the territory of more than one former district the incumbent shall be that candidate the greater portion of the territory of whose

former district is included within the new district and the number of whose former district was the same as the number of the new district, or, in the event there is no such candidate, the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district.

If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be any person who is a candidate for the same office which he then holds who fulfills the residential requirements of law for candidacy within the district.

SEC. 2. Section 3929.5 is added to said code, to read:

Same

3929.5. At the first elections for Representative in Congress, State Senator, and Assemblyman in each congressional, senatorial, and assembly district following reapportionment acts of the Legislature redefining the boundaries of the congressional, senatorial, and assembly districts pursuant to Sections 6 and 27 of Article IV of the California Constitution, that candidate who shall be deemed the incumbent in a given district for purposes of the election shall be:

(1) That candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries and number as the district from which he was last elected and in which there was no other holder of the same office residing as of March 1, 1951.

(2) In the event there is no candidate to whom the provisions of subdivision (1) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which has the identical boundaries as the district from which he was last elected, but which has a different number and in which there was no other holder of the same office residing as of March 1, 1951.

(3) In the event there is no candidate to whom the provisions of subdivisions (1) or (2) apply, the incumbent shall be that candidate who is running for the same office which he then holds and who is running for re-election in a district which contains some portion of the territory previously contained within the district from which he was last elected in which there was no other holder of the same office residing as of March 1, 1951; provided, that in a new district which contains portions of the territory of more than one former district the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district and the number of whose former district was the same as the number of the new district, or, in the event there is no such candidate, the incumbent shall be that candidate the greater portion of the territory of whose former district is included within the new district.

If there is no candidate in a given district to which any of the above provisions apply, the incumbent shall be any person who is a candidate for the same office which he then holds who fulfills the residential requirements of law for candidacy within the district.

CHAPTER 1410

An act to amend Section 736b of the Political Code and Section 79 of the Code of Civil Procedure, relating to judges of the superior court.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 736b of the Political Code is amended to read:

736b. The annual salary of each of the judges of the superior court of the State of California shall be such as has been or may be fixed by the Legislature, of which amount the State shall pay the sum of seven thousand five hundred dollars ($7,500) and the remainder thereof shall be paid by the county or city and county in and for which the judge is elected or appointed. The minimum annual salary of each judge of the superior court is the amount prescribed therefor as of January 1, 1951, plus the sum of one thousand seven hundred fifty dollars ($1,750), which annual salary shall be not less than ten thousand dollars ($10,000). If the total of the sums payable by the State and by the county or city and county under this section exceeds the minimum annual salary payable to a judge, his salary shall be increased in the amount of the excess.

Superior court judges' salaries

SEC. 2. Section 79 of the Code of Civil Procedure is amended to read:

79. The annual salary of each of the judges of the superior court of the State of California shall be such as has been or may be fixed by the Legislature, of which amount the State shall pay the sum of seven thousand five hundred dollars ($7,500) and the remainder thereof shall be paid by the county or city and county in and for which the judge is elected or appointed. The minimum annual salary of each judge of the superior court is the amount prescribed therefor as of January 1, 1951, plus the sum of one thousand seven hundred fifty dollars ($1,750), which annual salary shall be not less than ten thousand dollars ($10,000). If the total of the sums payable by the State and by the county or city and county under this section exceeds the minimum annual salary payable to a judge, the salary shall be increased in the amount of the excess.

Same

SEC. 3. Section 2 of this act becomes operative only if the Legislature at its 1951 Regular Session repeals Section 736b of the Political Code and in such case at the same time as said repeal takes effect.

Effect Stats. 1951, Ch. 655

CHAPTER 1411

An act to amend Sections 45.5 and 78 of, and to add Sections 29.1 and 29.2 to, the Community Redevelopment Act, and to

Stats. 1945,

sion 24 to, the Health and Safety Code, relating to community redevelopment and the financing thereof and the powers of public bodies in connection therewith.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 45.5 of the Community Redevelopment Act is amended to read:

Redevelopment revolving fund

Sec. 45.5. The legislative body of any community, at any time after it has adopted a resolution declaring that there is need for an agency to function in the community, may establish a redevelopment revolving fund to be kept in the treasury of the community. For the purpose of raising moneys to be deposited in such fund, the legislative body may appropriate funds or the community may issue and sell its general obligation bonds. Any general obligation bonds to be issued by any community pursuant to the provisions of this section shall be authorized and issued in the manner and within the limitations, except as herein otherwise provided, prescribed by the laws of this State or the charter of the community for the issuance and authorization of such bonds thereof for public purposes generally. Irrespective of any limitation, by general or special law, as to the amount of such bonds which may be issued, a community may issue such bonds, for the purposes defined by this section, in excess of such limitation, in such amount as may be authorized by the voters of such community at any general or special election.

SEC. 2. Section 29.1 is added to said act, to read:

Exempt property Payments in lieu of taxes

Sec. 29.1. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

SEC. 3. Section 29.2 is added to said act, to read:

Other property Division of taxes

Sec. 29.2. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and

other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph numbered (1) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

In any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph numbered (2) hereof may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

As used in this section the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property. "Taxes"

Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely upon the assessed value of his or its leasehold interest.

This section shall become operative only if the people approve the constitutional amendment of the 1951 Regular Session of the Legislature adding Section 19 to Article XIII of the Con- Effect Stats 1951, Res Ch 199

stitution of the State and in such case at the same time as such constitutional amendment takes effect.

SEC. 4. Section 78 of said act is amended to read:

Bonds

Sec. 78. An agency shall have power to issue bonds from time to time in its discretion, for any of its corporate purposes. An agency shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the redevelopment projects financed with the proceeds of such bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of such projects; (b) exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of such bonds; (c) in whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Section 29.2 hereof; (d) from its revenues generally; (e) from any contributions or other financial assistance from the State or Federal Government; or (f) by any combination of these methods. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance (whether by mortgage, deed of trust or otherwise) of any redevelopment project, projects or other property of the agency or by a pledge of the taxes referred to in (c) above, or by any combination thereof.

Neither the members of an agency nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of any agency (and such bonds and obligations shall so state on their face) shall not be a debt of the community, the State or any political subdivision thereof and neither the community, nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said agency. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

SEC. 5. Section 33279 is added to the Health and Safety Code, to read:

Payment in lieu of taxes

33279. The agency may in any year during which it owns property in a redevelopment project pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

SEC. 6. Section 33882 of said code is amended to read:

Bonds Limitations

33882. Except as otherwise provided in this part, any general obligation bonds issued by any community pursuant to this article shall be authorized and issued in the manner and within the limitations prescribed by law or the charter of the community for the issuance and authorization of such bonds for public purposes generally. Irrespective of any limitation as to the amount of general obligation bonds which may be issued,

a community may issue such bonds for the purposes prescribed in this article, in excess of the limitation, in such amount as may be authorized by the voters of the community at any general or special election.

SEC. 7. Section 33911 of said code is amended to read:

Same
Manner of payment

33911. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of Article 4 of this chapter.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the State or Federal Government.

(f) By any combination of these methods.

SEC. 8. Section 33912 of said code is amended to read:

Same
Additional security

33912. Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subdivision (c) of Section 33911, or by any combination thereof.

SEC. 9. Article 4 of Chapter 5 of Part 1 of Division 24 of the Health and Safety Code is hereby added to said code, to read:

Article 4. Taxation

Division of taxes

33950. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the

territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph numbered (1) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

Pledge of tax revenue

33951. In any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph numbered (2) of Section 33950 may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

"Taxes"

33952. As used in this article the word "taxes" shall include, but without limitation, all levies on an ad valorem basis upon land or real property.

Taxes on leased property

33953. Whenever property in any redevelopment project has been redeveloped and thereafter is leased by the redevelopment agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely upon the assessed value of his or its leasehold interest.

Effect Stats 1951, Res Ch 199

33954. This article shall become operative only if the people approve the constitutional amendment of the 1951 Regular Session of the Legislature adding Section 19 to Article XIII of the Constitution of the State and in such case at the same time as such constitutional amendment takes effect.

SEC. 10. Sections 5, 6, 7, 8, and 9 of this act become effective only if Division 24 of the Health and Safety Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 24 takes effect, at which time Sections 29.1 and 29.2 added to the Community Redevelopment Act, and Sections 45.5 and 78 of said act, as amended, are repealed. Effect Stats. 1951, Ch. 710

CHAPTER 1412

An act to amend Section 19a of the Penal Code, and Section 1 of an act entitled "An act to provide for the creation of a Board of Parole Commissioners for each county in this State, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, relating to paroles. Stats. 1909, p. 783, amended

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.] In effect September 22, 1951

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

SECTION 1. Section 19a of the Penal Code is amended to read:

19a. In no case shall any person sentenced to confinement in a county or city jail, or in a county or joint county penal farm, road camp, work camp, or other county adult detention facility, or committed to the sheriff for placement in any such county adult detention facility, on conviction of misdemeanor, or as a condition of probation, or for any reason, be committed for a period in excess of one year; provided, however, that the time allowed on parole shall not be considered as a part of the period of confinement. Maximum period of confinement

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

Section 1. A board of three parole commissioners for each county in this State, consisting of the sheriff and the district attorney of each said county and the chief of police (or other chief or sole peace officer) of every city which now is or hereafter may be the county seat of any such county, is hereby created for each such county, which board shall and must act at regularly called meetings at which two-thirds of the members are present as a board of parole commissioners for and in each county, and make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is now or hereafter may be imprisoned in the county jail of said county, or in the city jail of any city in any county, or in any jail as the prisoner of any city, or in any other jail in any such county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail in which he is or may be hereafter imprisoned, but Board of parole commissioners

to remain, while on parole, in the legal custody and under the control of the board of parole commissioners establishing the rules and regulations for his parole, and subject, at any time to be taken back within the enclosure of any such jail. The board of parole commissioners may for the purpose of considering applications for parole of prisoners from city or county jails, designate deputies of their respective offices to serve for them as temporary commissioners in the place and stead of any member or members of the board of parole commissioners when the members of said board are unable to serve. Full power to make, establish and enforce such rules and regulations, and to retake and imprison any prisoner so upon parole, is hereby conferred upon each such board of parole commissioners; and its written order shall be a sufficient warrant for all officers named in such order to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. It shall be and is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, constables, and all other police and peace officers of this State to execute any such order in like manner as ordinary criminal process. If any prisoner so paroled shall leave the county in which he was or is or hereafter may be so imprisoned without permission from the board of parole commissioners granting his parole, he shall be arrested as an escaped prisoner and held as such.

The board of parole commissioners may parole any prisoner with his approval for a term not to exceed two years upon such conditions and under such rules and regulations as may seem fit and proper for the rehabilitation of the prisoner, and should the prisoner so paroled violate any of the conditions of his parole or any of the rules and regulations governing his parole, such prisoner shall, upon order of the parole commission, be returned to the jail from which he was paroled and be confined therein for the unserved portion of his sentence.

CHAPTER 1413

An act to add Section 1987.5 to the Code of Civil Procedure, relating to subpenas.

In effect September 22, 1951

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 1987.5 is added to the Code of Civil Procedure, to read:

Service of affidavit with subpena

1987.5. The service of a subpena duces tecum is invalid unless at the time of such service a copy of the affidavit upon which the subpena was issued is served on the person served with the subpena.

CHAPTER 1414

An act to add Section 4557 to the Labor Code, relating to additional workmen's compensation for minors.

[Approved by Governor July 9, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 4557 is added to the Labor Code, to read:

4557. Where the injury is to an employee under 16 years of age and illegally employed at the time of injury, the entire compensation otherwise recoverable shall be increased fifty percent (50%), and such additional sum shall be paid by the employer at the same time and in the same manner as the normal compensation benefits. Additional award

An employer shall not be held liable for the additional compensation provided by this section if such an employee is hired pursuant to a birth certificate, automobile driver's license, or other reasonable evidence of the fact the employee is over the age of 15 years, even though such evidence of age were falsely obtained by the employee. The additional compensation provided by this section shall not exceed the maximum sum specified by Section 4553 for additional compensation payable for serious and wilful misconduct on the part of an employer. This section shall not apply to the State or any of its political subdivisions or districts, nor shall the provisions of this section apply where the employer or minor is engaged in farm, dairy, agricultural, viticultural or horticultural work or in stock or poultry raising.

CHAPTER 1415

An act to amend Sections 28123 and 28134 of the Government Code, Sections 423 and 434 of the Education Code, and Section 79 24 of the Code of Civil Procedure, relating to compensation for public services in counties.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28123 of the Government Code is amended to read:

28123. In a county of the twenty-third class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums: Merced County officers Salaries

(a) The auditor, five thousand dollars ($5,000) a year. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for all services performed by him as supervisor, as member of the board of equalization and as road commissioner. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors and road commissioners.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

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

SEC. 2. Section 28134 of the Government Code is amended to read:

Madera County officers Salaries

28134. In a county of the thirty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, five thousand dollars ($5,000) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor, for all services required of him as supervisor three thousand dollars ($3,000) a year. He shall also receive the following mileage and traveling expenses: when using a privately owned automobile, six cents ($0.06) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of six cents ($0.06) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court, the justices' courts, and in city courts in cities of the sixth class, each juror shall be paid three dollars ($3) for each day's attendance upon the court and six cents ($0.06) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justices' courts.

The fees and mileage shall be paid to jurors attending city courts of cities of the sixth class by the treasurer of the city in which the jurors' services were rendered out of the general fund of the city upon warrants drawn by the city auditor upon the written order of the judge of the court in which the jurors were in attendance.

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

SEC. 3. Section 423 of the Education Code is amended to read:

423. The annual salary of the county superintendent of schools of a county of the twenty-third class is six thousand three hundred dollars ($6,300), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Merced County school superintendent Salary

SEC. 4. Section 434 of the Education Code is amended to read:

434. The annual salary of the county superintendent of schools of a county of the thirty-fourth class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Madera County school superintendent Salary

SEC. 5. Section 79.24 of the Code of Civil Procedure is amended to read:

79.24. The annual salary of each judge of the Superior Court in and for the County of Merced is thirteen thousand five hundred dollars ($13,500).

Merced County superior judge Salary

SEC. 6. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

Operative date

CHAPTER 1416

An act to amend Section 28154 of the Government Code and Section 454 of the Education Code, relating to compensation for public services in counties of the fifty-fourth class.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 28154 of the Government Code is amended to read:

Mariposa County officers Salaries

28154. In a county of the fifty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, one thousand four hundred dollars ($1,400) a year.

(b) The district attorney, four thousand dollars ($4,000) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year, for all services required of him by law in any capacity. Supervisors may use automobiles provided and maintained by the county in the performance of the duties required of them by law.

(d) Grand jurors shall be paid four dollars ($4) a day, and jurors in the superior court shall be paid three dollars ($3) for each day's attendance, and thirty cents ($0.30) for each mile actually traveled in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the jurors for the per diem and mileage and the treasurer shall pay the warrant.

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

SEC. 2. Section 454 of the Education Code is amended to read:

Mariposa County school superintendent Salary

454. The annual salary of the county superintendent of schools of a county of the fifty-fourth class is five thousand seven hundred dollars ($5,700), and if acting as superintendent of a coterminous county unified school district the salary shall be six thousand dollars ($6,000), and he shall possess a valid elementary administration credential issued by the State Board of Education.

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1417

An act to amend Section 22257 of the Water Code, relating to water distribution by irrigation districts.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 22257 of the Water Code is amended to read:

22257. Each district shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district. A district may refuse to deliver water through a ditch which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water.

Rules for distribution and use

A district may close a defective gate in a community water distribution system used for irrigation purposes and may refuse to deliver water through the defective gate if the landowner fails to repair the gate or outlet to the satisfaction of the district within a reasonable time after receipt of notice from the board through its authorized water superintendent, manager or ditch tender to repair the gate or outlet.

CHAPTER 1418

An act to amend Sections 73700 of the Political Code and 79.41 of the Code of Civil Procedure, relating to superior judges' salaries.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 73700 of the Political Code is amended to read:

73700. The annual salary of each of the judges of the Superior Court in and for the County of San Mateo is fifteen thousand dollars ($15,000).

San Mateo County superior judges Salaries

SEC. 2. Section 79.41 of the Code of Civil Procedure is amended to read:

79.41. The annual salary of each of the judges of the Superior Court in and for the County of San Mateo is fifteen thousand dollars ($15,000).

Same

SEC 3. Section 2 of this act becomes operative only if Section 73700 of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

Effect Stats 1951, Ch 655

CHAPTER 1419

Stats 1925, p. 648, amended

An act to add Section 12.5 to the Municipal Court Act of 1925, relating to compensation of municipal court judges in Los Angeles County and to provide for the number and compensation of judges of municipal courts established in judicial districts in Los Angeles County.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 12.5 is added to the Municipal Court Act of 1925, to read:

Los Angeles County municipal judges Salaries

Sec. 12.5. Notwithstanding any other provision of this act, each judge of a municipal court in Los Angeles County shall receive a salary of fifteen thousand dollars ($15,000) per annum, payable in equal monthly installments.

Same

SEC. 2. Each judge of a municipal court established in a judicial district in Los Angeles County, in a district embracing a city in which a municipal court was established under the Municipal Court Act of 1925, shall receive a salary of fifteen thousand dollars ($15,000) per annum, payable in equal monthly installments.

Each judge of a municipal court in Los Angeles County, in a district embracing no city in which a municipal court was established under the Municipal Court Act of 1925, shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum, payable in equal monthly installments, for the first two years following the establishment of the court and shall thereafter, receive a salary of fifteen thousand dollars ($15,000) per annum, payable in equal monthly installments.

Same Number per district

SEC. 3. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	1
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	2
Inglewood Municipal Court District	2
South Bay Municipal Court District	2
Compton Municipal Court District	3
Downey Municipal Court District	1
Los Angeles Municipal Court District	42
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	1
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2

Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	1
San Jose Municipal Court District	1
South Gate Municipal Court District	1

In any municipal court judicial district which includes a city and township which contains a population of 40,000 or less inhabitants, which city might be constituted a separate municipal court judicial district pursuant to Article VI, Section 11 of the Constitution, there shall be a regular session of the court in such city and the incumbent inferior court judges in such city and township shall, if qualified, become judges of the municipal court in the district including such city; provided, the number of positions to be filled exceeds the number of municipal judges entitled to succeed to judgeships in such district.

CHAPTER 1420

An act to prescribe the number, compensation and duties of officers and attaches of municipal courts established in cities or judicial districts in the County of Los Angeles.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

In effect September 22, 1951

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

Los Angeles County municipal court officers and attaches Salaries

SECTION 1. In the municipal court, established in the City of Los Angeles and in a judicial district embracing the City of Los Angeles, officers and attaches shall be appointed and compensated as follows:

There shall be one referee who shall be appointed by the judges of the court and who shall receive six hundred dollars ($600) monthly;

There shall be one clerk who shall be appointed by the judges of the court and who shall receive eight hundred eighty dollars ($880) monthly and who may appoint the following:

One deputy clerk (chief clerk, traffic department), who shall receive six hundred dollars ($600) monthly;

One deputy clerk (chief clerk, civil department), who shall receive six hundred dollars ($600) monthly;

One deputy clerk (chief clerk, criminal department), who shall receive six hundred dollars ($600) monthly;

One deputy clerk (chief clerk, accounting department), who shall receive six hundred dollars ($600) monthly;

Six deputy clerks, each of whom shall receive five hundred ten dollars ($510) monthly;

Twelve deputy clerks, each of whom shall receive four hundred sixty dollars ($460) monthly;

Thirty-eight deputy clerks, each of whom shall receive four hundred thirty-five dollars ($435) monthly;

Five deputy clerks, each of whom shall receive three hundred seventy-five dollars ($375) monthly;

Twenty deputy clerks, each of whom shall receive three hundred thirty-five dollars ($335) monthly;

Sixteen deputy clerks, each of whom shall receive three hundred ten dollars ($310) monthly;

Forty deputy clerks, each of whom shall receive two hundred eighty-five dollars ($285) monthly;

Twelve deputy clerks, each of whom shall receive two hundred sixty-five dollars ($265) monthly;

One hundred twenty deputy clerks each of whom shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of twelve dollars ($12), twelve dollars ($12), twelve dollars ($12), and fourteen dollars ($14) monthly to a maximum of two hundred fifty dollars ($250) monthly; provided, however, that each deputy clerk employed prior to the effective date of this provision at a flat rate salary of two hundred twenty-five dollars ($225) or less shall succeed to a step rate of compensation not less than fifteen dollars ($15) nor more than twenty-five dollars ($25) higher than the flat rate salary previously received by such employee.

Annual increments hereunder shall accrue on the first day of the month following the anniversary date of employment.

There shall be one marshal who shall receive eight hundred eighty dollars ($880) monthly, and who may appoint the following:

One assistant marshal who shall receive six hundred dollars ($600) monthly;

One deputy marshal (chief clerk) who shall receive four hundred seventy-five dollars ($475) monthly;

Two deputy marshals (captains) each of whom shall receive five hundred sixteen dollars ($516) monthly;

Six deputy marshals (lieutenants) each of whom shall receive four hundred forty dollars ($440) monthly;

Nineteen deputy marshals (sergeants) each of whom shall receive three hundred ninety dollars ($390) monthly;

Fifty-two deputy marshals each of whom shall receive a minimum salary of three hundred dollars ($300) monthly, with annual increments of twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of three hundred fifty dollars ($350) monthly;

Two deputy marshals (principal clerks and stenographers) each of whom shall receive three hundred twenty-five dollars ($325) monthly;

Two deputy marshals (senior clerks) each of whom shall receive two hundred ninety-eight dollars ($298) monthly;

Eight deputy marshals (senior clerks and stenographers) each of whom shall receive two hundred sixty-eight dollars ($268) monthly;

Fourteen deputy marshals (clerks and stenographers), each of whom shall receive a minimum salary of two hundred

eleven dollars ($211) monthly, with annual increments of sixteen dollars ($16), and sixteen dollars ($16) to a maximum of two hundred forty-three dollars ($243) monthly;

One hundred deputies (custodians), at the fee allowed by law for keeping property.

Long Beach municipal court officers and attaches Salaries

SEC. 2. In the municipal court established in the City of Long Beach and in the municipal court established in a judicial district embracing the City of Long Beach the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk who shall be appointed by the judges of the court and who shall receive seven hundred seventy dollars ($770) monthly and who may appoint the following:

One deputy clerk (chief clerk of the civil department) who shall receive five hundred dollars ($500) monthly;

One deputy clerk (chief clerk of the criminal department) who shall receive five hundred dollars ($500) monthly;

One deputy clerk (chief clerk of the traffic department) who shall receive five hundred dollars ($500) monthly;

One deputy clerk (jury secretary) who shall receive five hundred dollars ($500) monthly;

One deputy clerk (cashier-bookkeeper) who shall receive five hundred dollars ($500) monthly;

Eight deputy clerks each of whom shall receive three hundred sixty dollars ($360) monthly;

One deputy clerk who shall receive three hundred forty dollars ($340) monthly;

Two deputy clerks each of whom shall receive three hundred twenty dollars ($320) monthly;

Four deputy clerks (stenographers) each of whom shall receive three hundred dollars ($300) monthly;

Two deputy clerks (typists) each of whom shall receive two hundred seventy-five dollars ($275) monthly;

The clerk may also appoint one deputy clerk for each department of the court who shall receive four hundred twenty-five dollars ($425) monthly.

There shall be one marshal who shall receive seven hundred seventy dollars ($770) monthly, and who may appoint the following:

One chief deputy marshal who shall receive five hundred dollars ($500) monthly;

Two deputy marshals, each of whom shall receive four hundred twenty-five dollars ($425) monthly;

Five deputy marshals, each of whom shall receive three hundred twenty-five dollars ($325) monthly;

Three deputy marshals each of whom shall receive three hundred dollars ($300) monthly;

Ten deputies (custodians), at the fee allowed by law for keeping property.

The marshal may also appoint seven deputy marshals each of whom shall receive three hundred fifty dollars ($350) monthly, one of whom shall be designated from time to time to act as bailiff in each department of the court.

Alhambra, Compton, Glendale, Inglewood, Pasadena and Santa Monica municipal court officers and attaches: Salaries

SEC. 3. In the municipal courts established in the Cities of Alhambra, Compton, Glendale, Inglewood, Pasadena and Santa Monica and in municipal courts established in judicial districts embracing the Cities of Alhambra, Compton, Glendale, Inglewood, Pasadena, and Santa Monica the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk of each such court who shall be appointed by the judges thereof and who shall receive six hundred sixty dollars ($660) monthly, and who may appoint the following:

One chief deputy clerk who shall receive five hundred dollars ($500) monthly;

Three deputy clerks, each of whom shall receive four hundred dollars ($400) monthly;

Four deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly;

Two deputy clerks (stenographers), each of whom shall receive three hundred dollars ($300) monthly;

Three deputy clerks (typists), each of whom shall receive two hundred seventy-five dollars ($275) monthly;

There shall be one marshal of each such court who shall receive six hundred sixty dollars ($660) monthly and who may appoint the following:

One chief deputy who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of four hundred eighty-nine dollars ($489) monthly;

Two deputy marshals, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly, with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly;

Four deputy marshals, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly;

Two deputy marshals, each of whom shall receive a minimum salary of two hundred forty-six dollars ($246) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly;

Ten deputies (custodians), at the fee allowed by law for keeping property.

Beverly Hills, Burbank, and East Los Angeles municipal court officers and attaches Salaries

SEC. 4. In the municipal courts in districts known and designated as Beverly Hills, Burbank, and East Los Angeles, the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk of each such court who shall be appointed by the judges thereof and who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of four hundred eighty-nine dollars ($489) monthly, and who may appoint the following:

Two deputy clerks, each of whom shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly, with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly;

One deputy clerk (bookkeeper and secretary), who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly;

One deputy clerk, who shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly;

Three deputy clerks, each of whom shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12) to a maximum of two hundred forty-six dollars ($246) monthly;

There shall be one marshal in each such court, who shall receive a minimum salary of three hundred nineteen dollars ($319) monthly, with annual increments of eighteen dollars ($18), eighteen dollars ($18), twenty dollars ($20), and twenty dollars ($20) to a maximum of three hundred ninety-five dollars ($395) monthly, and who may appoint the following:

Two deputy marshals, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly;

One deputy marshal (clerk), who shall receive a minimum salary of two hundred eleven dollars ($211) monthly, with annual increments of ten dollars ($10), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred fifty-nine dollars ($259) monthly;

Four deputies (custodians), at the fee allowed by law for the keeping of property.

Downey, El Monte, Los Cerritos, Santa Anita, San Jose, South Gate, and Whittier municipal court officers and attaches Salaries

SEC. 5. In the municipal courts in districts known and designated as Downey, El Monte, Los Cerritos, Santa Anita, San Jose, South Gate and Whittier the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk of each such court who shall be appointed by the judges thereof and who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly, with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly and who may appoint the following:

Two deputy clerks (bookkeepers and secretaries), each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14) to a maximum of two hundred seventy-three dollars ($273) monthly;

One deputy clerk, who shall receive a minimum salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

There shall be one marshal of each such court, who shall receive a minimum salary of three hundred nineteen dollars ($319) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), twenty dollars ($20), and twenty dollars ($20) to a maximum of three hundred ninety-five dollars ($395) monthly and who may appoint the following:

One deputy marshal, who shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly;

One deputy marshal (clerk), who shall receive a minimum salary of two hundred eleven dollars ($211) monthly, with annual increments of ten dollars ($10), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred fifty-nine dollars ($259) monthly;

Four deputies (custodians), at the fee allowed by law for the keeping of property.

San Antonio, South Bay municipal court officers and attaches Salaries

SEC. 6. In the municipal courts in districts known and designated as San Antonio and South Bay the officers and attaches shall be appointed and compensated as follows:

There shall be one clerk of each such court who shall be appointed by the judges thereof and who shall receive a minimum salary of four hundred forty dollars ($440) monthly, with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly; and who may appoint the following:

Two deputy clerks, each of whom shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly, with annual increments of eighteen dollars ($18), twenty dollars ($20), twenty dollars ($20), and twenty-two dollars ($22) to a maximum of four hundred seventeen dollars ($417) monthly;

One deputy clerk (bookkeeper and secretary), who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred nineteen dollars ($319) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred seventy-three dollars ($273) monthly;

Three deputy clerks, each of whom shall receive a salary of two hundred dollars ($200) monthly, with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

There shall be one marshal of each such court who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly, with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly, and who may appoint the following:

One deputy marshal, who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of three hundred fifty-five dollars ($355) monthly;

One deputy marshal, who shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly;

One deputy marshal, who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly;

One deputy marshal (bookkeeper), who shall receive a minimum salary of two hundred thirty-three dollars ($233) monthly, with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly;

One deputy marshal, who shall receive a minimum salary of two hundred eleven dollars ($211) monthly, with annual increments of ten dollars ($10), twelve dollars ($12), thirteen

dollars ($13), and thirteen dollars ($13) to a maximum of two hundred fifty-nine dollars ($259) monthly.

Los Angeles County marshal of municipal courts

SEC. 7. Notwithstanding any other provision of this act, there shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed in the manner prescribed in this section and who shall receive twelve thousand dollars ($12,000) per annum, payable in equal monthly installments. He shall be known and designated as Marshal of Municipal Courts, Los Angeles County. He shall possess all of the rights and powers and perform all of the duties imposed upon marshals of municipal courts generally, and shall, with respect to proceedings in each of the municipal courts established in Los Angeles County, exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court, except that each municipal court included in the county shall separately possess the authority and jurisdiction to select its own bailiffs from among the deputies selected by him.

Not less than 45 days nor more than 60 days after the effective date of this section, the judges of the municipal courts established in Los Angeles County and the incumbent judges of other courts within said county who, at said time, by virtue of the supersedure and automatic succession provisions of the Municipal and Justice Court Act of 1949, will be entitled to become judges of municipal courts on January 1, 1952, shall, upon five days notice in writing, meet at a time and place designated by the presiding judge of the municipal court located at the county seat, and shall, by a majority vote of such judges, select the Marshal of Municipal Courts, Los Angeles County. Such selection shall be made from among those marshals of the municipal courts established in the county under the Municipal Court Act of 1925 and holding office on June 1, 1951, who have had at least 15 years experience as marshal, deputy marshal, constable, deputy constable, deputy sheriff or any combination of these positions, within the county. The judges may adopt rules not inconsistent with this section to carry out its provisions. The person so selected shall be deemed to possess all of the qualifications and to have met all requirements of law for permanent appointment to the office. Subsequent appointments to said office and the tenure and removal of said marshal shall be governed by the provisions of the Municipal and Justice Court Act of 1949, except that such appointments and removals shall be made by the majority vote of municipal court judges, the voting to be conducted in the manner hereinabove provided. The Marshal of Municipal Courts, Los Angeles County, first so selected shall be deemed appointed forthwith, but the status of said officer as to powers, duties and compensation shall become operative on January 1, 1952; except that he shall, prior to that date, have authority to appoint and assign officers, deputies and attaches to positions enumerated in this act, which appointments shall become effective on January 1, 1952, and shall give each such officer, deputy or attache 10 days notice of

Stats. 1949, p. 2681

Stats 1925, p. 648

his prospective appointment and assignment. A branch office of the Marshal of Municipal Courts, Los Angeles County shall be maintained in each municipal court district.

The marshal shall appoint the following who shall receive the salaries hereafter specified: Marshal's staff Salaries

One assistant marshal who shall receive eight hundred dollars ($800) monthly, the first appointment to the position to be from among the marshals and deputy marshals of superseded courts, and exempt from all provisions of law relative to the right of any person to succeed to such position;

One chief deputy inspector who shall receive seven hundred seventy dollars ($770) monthly;

One chief deputy marshal who shall receive seven hundred dollars ($700) monthly;

Eight inspectors, each of whom shall receive six hundred sixty dollars ($660) monthly;

Ten captains, each of whom shall receive five hundred sixteen dollars ($516) monthly;

Ten lieutenants, each of whom shall receive four hundred forty dollars ($440) monthly;

Twenty-six sergeants, each of whom shall receive four hundred ten dollars ($410) monthly;

One hundred fifteen senior deputies, each of whom shall receive three hundred seventy-five dollars ($375) monthly;

Thirty-five deputy marshals, each of whom shall receive three hundred fifty-five dollars ($355) monthly;

Thirty deputy clerks, each of whom shall receive three hundred three dollars ($303) monthly;

Eleven deputy bookkeepers, each of whom shall receive two hundred eighty-eight dollars ($288) monthly;

Eighteen bailiff-clerks, each of whom shall receive two hundred seventy-three dollars ($273) monthly;

One head clerk who shall receive three hundred seventy-five dollars ($375) monthly;

Six senior clerks, each of whom shall receive three hundred nineteen dollars ($319) monthly;

Thirty deputy clerks, each of whom shall receive two hundred forty-six dollars ($246) monthly;

Three secretary-stenographers, each of whom shall receive three hundred three dollars ($303) monthly;

Two hundred deputies (custodians), at the fee allowed by law for keeping property.

The judges of each municipal court established in a judicial district in Los Angeles County shall select, from among the deputies of the marshal's office, such person or persons to act as court bailiffs as may be reasonably necessary for the proper operation of such court.

Except where this section otherwise provides, the provisions of the Municipal and Justice Court Act of 1949 shall govern the appointment and assignment of officers, deputies and attaches to the offices and positions enumerated in this section, and shall define the rights, benefits and privileges of the Application of law

marshals, constables, deputies and attaches of superseded courts, including the right of such persons to succeed to such offices and positions. The marshal and his deputies and attaches of each of the courts in Los Angeles County which were established under the Municipal Court Act of 1925 shall succeed to positions prescribed in this section which provide salaries at least equal to 10 percent more than those received as attaches of the superseded courts prior to the effective date of this act insofar as such positions are available and if such position is not available, to the most nearly comparable position which is available; provided further, that if the salary established by this act for such new position is less than 10 percent more than that received by the person appointed thereto, prior to the effective date of this act, such salary shall be deemed increased for the period of the appointee's incumbency to a sum equal to 10 percent more than the salary received by such person in the position previously held prior to the effective date of this act.

All provisions of law relating to marshals of municipal courts, or a marshal of a municipal court and the deputies and attaches thereof, not inconsistent with the provisions of this section, shall apply to the Marshal of Municipal Courts, Los Angeles County, and to the officers, deputies and attaches of said marshal. The board of supervisors of Los Angeles County shall provide suitable quarters for said marshal, including heating, lighting and janitorial services, and shall supply furniture, books and supplies necessary for carrying out the duties prescribed by law for said marshal.

CHAPTER 1421

An act to amend Section 737mm of the Political Code and Section 79.39 of the Code of Civil Procedure, relating to superior judges' salaries.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 10, 1951.]

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

SECTION 1. Section 737mm of the Political Code is amended to read:

San Joaquin County judges Salaries

737mm. The annual salary of each of the judges of the Superior Court in and for the County of San Joaquin is thirteen thousand five hundred dollars ($13,500).

SEC. 2. Section 79.39 of the Code of Civil Procedure is amended to read:

Same

79.39. The annual salary of each of the judges of the Superior Court in and for the County of San Joaquin is thirteen thousand five hundred dollars ($13,500).

Effect Stats. 1951, Ch. 635

SEC. 3. Section 2 of this act becomes operative only if Section 737mm of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1422

An act to amend Section 737vv of the Political Code and 79.48 of the Code of Civil Procedure, relating to salary of judges in Solano County.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.] In effect September 22, 1951

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

SECTION 1. Section 737vv of the Political Code is amended to read:

737vv. The annual salary of each of the judges of the Superior Court in and for the County of Solano is fifteen thousand dollars ($15,000). Solano County judges Salaries

SEC. 2. Section 79.48 of the Code of Civil Procedure is amended to read:

79.48. The annual salary of each of the judges of the Superior Court in and for the County of Solano is fifteen thousand dollars ($15,000). Same

SEC. 3. Section 2 of this act becomes operative only if Section 737vv of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect. Effect Stats. 1951, Ch. 655

CHAPTER 1423

An act to amend Section 5 of the Principal and Income Act, relating to the treatment of stock dividends as principal or income.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.] In effect September 22, 1951

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

SECTION 1. Section 5 of the Principal and Income Act is amended to read as follows:

Sec. 5. (1) All dividends on shares of a corporation forming a part of the principal which are payable Share dividends

(a) In shares of the declaring corporation of the same kind and rank as the shares on which such dividend is paid; and

(b) In shares of the declaring corporation of a different kind or rank to the extent that they represent a capitalization of surplus not derived from earnings, shall be deemed principal.

Subject to the provisions of this section, all dividends, other than those awarded to principal under (a) and (b) above, including ordinary and extraordinary dividends and dividends

payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income.

Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

Rights to subscribe

(2) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights shall be deemed income.

Liquidation dividends

(3) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal. All disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

Shares on merger, consolidation, reorganization

(4) Where a corporation succeeds another by merger, consolidation or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to, or in substitution for, their shares of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But two corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other.

Date of dividend accrual

(5) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stockholders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

Reliance on corporate statements

(6) The trustee or tenant may rely upon the statement of the paying corporation as to whether dividends are paid from profits or earnings or are a return of capital or division of corporate property, and as to any other fact, relevant under any provision of this act, concerning the source or character of dividends or disbursements of corporate assets.

CHAPTER 1424

An act to amend Section 12465 of the Government Code, relating to the destruction of records in the custody of the Controller declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect immediately

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

SECTION 1. Section 12465 of the Government Code is amended to read:

12465. All reports from county and city officials and individuals which have been in the custody of the Controller for a period of five years may be destroyed. When they are in excess of 10 years old, the Controller may also destroy after they have been microfilmed claims upon which warrants have been issued, canceled warrants, and other records involving the expenditure of state money. Microfilming before destruction of the documents herein mentioned need not be done if in the opinion of the Controller and the Director of Finance there is no need to preserve a record of the documents to be destroyed. This section does not apply to books of original entry.

Destruction of old records

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

Urgency

The Controller is in possession of 500 file cases of records which come within the provisions of this act allowing their destruction. The Controller has no storage space for them and they are impeding the functioning of that office. The Controller is about to turn over the files to the Secretary of State who is similarly without space and would be similarly impeded in the functioning of his office unless the authority to destroy these records is given by immediate effect of this act.

CHAPTER 1425

An act to amend Section 28106 of the Government Code, relating to compensation for public services in counties of the sixth class.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28106 of the Government Code is amended to read:

28106. In a county of the sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Santa Clara County officers Salaries

(a) The auditor, nine thousand dollars ($9,000) a year. He shall pay into the county treasury all fees received by him in his official capacity.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall not during his term of office engage in private practice and shall devote his full working time to the duties of his office. He shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

(c) Each supervisor, six thousand dollars ($6,000) a year and mileage of ten cents ($0.10) a mile for each mile actually traveled in going to and from his residence to the county seat or in the performance of the duties required of him by law or by virtue of his office. In attending sessions of the board only four mileages shall be allowed for each month. The total mileage allowed shall not exceed five hundred dollars ($500) in any one calendar year.

(d) Grand jurors and trial jurors in the superior courts shall receive three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of trial jurors in the superior court shall be paid out of the general fund of the county on warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance.

CHAPTER 1426

An act to provide for the payment to such insurance company as is designated by U. S. Atomic Energy Commission of a sum equal to the total of employer's contributions made from United States Government funds through the University of California, to the State Employees' Retirement System on account of employees at the Sandia Laboratory of the United States Atomic Energy Commission.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

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

Transfer of federal contributions

SECTION 1. The State Employees' Retirement System shall pay over to such insurance company as is designated by the United States Atomic Energy Commission, a sum equal to the total of all employer's contributions, without interest, which were made to the State Employees' Retirement System from United States Government funds through the University of California, and on account of employees of Sandia Laboratory in New Mexico, who were members of the State Employees' Retirement System and who were transferred from the

management of the University of California to the management of Sandia Corporation, at the close of October 31, 1949, and still further, who do not remain members of this system.

Transferred employees Right to refund

SEC. 2. Transferred employees who elected under Section 20393 of the State Employees' Retirement Law to leave their contributions in the Retirement Fund, shall have the right to elect, within 30 days after the mailing from the Retirement Office of notice of the right, to receive the refund of their accumulated contributions in the Retirement Fund. Employees who elect affirmatively to receive their accumulated contributions, shall be included under Section (1) hereof, in the determination of the amount of employer's contribution to be paid over to such insurance company as is designated by the U. S. Atomic Energy Commission as provided in Section 1 of this act.

Appropriation

SEC. 3. There is hereby appropriated out of the State Employees' Retirement Fund the sum necessary to carry out the provisions of Section (1) of this act.

CHAPTER 1427

An act to amend Section 79.45 of the Code of Civil Procedure, relating to superior judges' salaries.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 79.45 of the Code of Civil Procedure is amended to read:

Shasta County judge Salary

79.45. The annual salary of the judge of the Superior Court in and for the County of Shasta is twelve thousand dollars ($12,000).

CHAPTER 1428

An act to amend Section 79.53 of the Code of Civil Procedure, relating to superior court judges' salaries.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 79.53 of the Code of Civil Procedure is amended to read:

Trinity County judge Salary

79.53. The annual salary of the judge of the Superior Court in and for the County of Trinity is twelve thousand dollars ($12,000).

CHAPTER 1429

An act to amend Sections 737ee of the Political Code and 79.31 of the Code of Civil Procedure, relating to superior court judges' salaries.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

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

SECTION 1. Section 737ee of the Political Code is amended to read:

Placer County judge Salary

737ee. The annual salary of the judge of the Superior Court in and for the County of Placer is thirteen thousand five hundred dollars ($13,500).

SEC. 2. Section 79.31 of the Code of Civil Procedure is amended to read:

Same

79.31. The annual salary of the judge of the Superior Court in and for the County of Placer is thirteen thousand five hundred dollars ($13,500).

Effect Stats 1951, Ch 655

SEC. 3. Section 2 of this act becomes operative only if Section 737ee of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1430

An act to amend Section 737rr of the Political Code, and 79.44 of the Code of Civil Procedure, relating to Superior Court judges' salaries.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

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

SECTION 1. Section 737rr of the Political Code is amended to read:

Santa Cruz County judges Salaries

737rr. The annual salary of the judges of the Superior Court in and for the County of Santa Cruz is fifteen thousand dollars ($15,000).

SEC. 2. Section 79.44 of the Code of Civil Procedure is amended to read:

Same

79.44. The annual salary of the judges of the Superior Court in and for the County of Santa Cruz is fifteen thousand dollars ($15,000).

Effect Stats 1951 Ch 655

SEC. 3. Section 2 of this act becomes operative only if Section 737rr of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1431

An act to amend Sections 79.19 and 79.37 of the Code of Civil Procedure, relating to the salary of judges of the superior court.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 79.19 of the Code of Civil Procedure is amended to read:

79.19. The annual salary of each of the judges of the Superior Court in and for the County of Los Angeles is sixteen thousand seven hundred fifty dollars ($16,750). Los Angeles County judges Salaries

SEC. 2. Section 79.37 of said code is amended to read:

79.37. The annual salary of each judge of the Superior Court in and for the County of San Diego is sixteen thousand seven hundred fifty dollars ($16,750). San Diego County judges Salaries

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CHAPTER 1432

An act to amend Sections 79.36 and 79.42 of the Code of Civil Procedure, relating to superior judges' salaries.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 79.36 of the Code of Civil Procedure is amended to read:

79.36. The annual salary of each of the judges of the Superior Court in and for the County of San Bernardino is thirteen thousand seven hundred fifty dollars ($13,750). San Bernardino County judges Salaries

SEC. 2. Section 79.42 of said code is amended to read:

79.42. The annual salary of each judge of the Superior Court in and for the County of Santa Barbara is thirteen thousand seven hundred fifty dollars ($13,750). Santa Barbara County judges Salaries

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CHAPTER 1433

An act to amend Sections 737a and 737ll of the Political Code and Sections 79.1 and 79.38 of the Code of Civil Procedure, relating to superior judges' salaries.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 737a of the Political Code is amended to read:

Alameda County judges Salaries

737a. The annual salary of each of the judges of the Superior Court in and for the County of Alameda is sixteen thousand seven hundred fifty dollars ($16,750).

SEC. 2. Section 737*ll* of the Political Code is amended to read:

San Francisco County judges Salaries

737*ll*. The annual salary of each of the judges of the Superior Court in and for the City and County of San Francisco is sixteen thousand seven hundred fifty dollars ($16,750).

SEC. 3. Section 79.1 of the Code of Civil Procedure is amended to read:

Alameda County judges Salaries

79.1. The annual salary of each of the judges of the Superior Court in and for the County of Alameda is sixteen thousand seven hundred fifty dollars ($16,750).

SEC. 4. Section 79.38 of the Code of Civil Procedure is amended to read:

San Francisco County judges Salaries

79.38. The annual salary of each of the judges of the Superior Court in and for the City and County of San Francisco is sixteen thousand seven hundred fifty dollars ($16,750).

Effect Stats 1951, Ch 655

SEC. 5. Sections 3 and 4 of this act become operative only if Sections 737a and 737*ll* of the Political Code are repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1434

An act to amend Section 28117 of the Government Code and Section 79.50 of the Code of Civil Procedure, relating to compensation for public service in counties of the seventeenth class.

In effect September 22, 1951

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.]

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

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

Stanislaus County officers Salaries

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

(a) The auditor, six thousand dollars ($6,000) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board. Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the

automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage. The supervisors shall act as road commissioners in their respective districts.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance and ten cents ($0.10) for each mile from their residences to the county seat, to be allowed for each day the jurors are required to and do attend. For attending as a member of a committee of the grand jury, for each day's attendance on the committee, three dollars ($3) and mileage at the rate of ten cents ($0.10) a mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amounts due, and the auditor, unless otherwise specifically ordered, shall draw warrants on the first and fifteenth days of each month, and the treasurer shall pay the warrants.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

SEC. 3. Section 79.50 of the Code of Civil Procedure is amended to read:

79.50. The annual salary of each of the Judges of the Superior Court in and for the County of Stanislaus is thirteen thousand five hundred dollars ($13,500). Stanislaus County judges Salaries

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CHAPTER 1435

An act to amend Sections 41 and 61 of the Code of Civil Procedure, relating to the salaries of justices of the Supreme Court and of the district courts of appeal.

[Approved by Governor July 10, 1951. Filed with Secretary of State July 11, 1951.] In effect September 22, 1951

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

SECTION 1. Section 41 of the Code of Civil Procedure is amended to read:

41. The annual salary of the Chief Justice of the Supreme Court is twenty thousand five hundred dollars ($20,500) and the annual salary of each of the associate justices of the Supreme Court is nineteen thousand dollars ($19,000). Such salaries shall be payable monthly by the State. Supreme Court Salaries

SEC 2. Section 61 of the Code of Civil Procedure is amended to read:

61. The annual salary of each of the justices of the district courts of appeal is eighteen thousand dollars ($18,000). Such salaries shall be payable monthly by the State. Appellate court Salaries

CHAPTER 1436

An act to amend Section 3710 of, to add Sections 3710.1 and 3710.2 to, and to repeal Section 3714 of, the Labor Code, relating to workmen's compensation.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 12, 1951.]

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

SECTION 1. Section 3710 of the Labor Code is amended to read:

Enforcement

3710. The Director of Industrial Relations shall enforce the provisions of this article. He may employ necessary investigators and may appoint the attorney for the Industrial Accident Commission or any attorney possessing civil service status who is an employee of the Department of Industrial Relations, or several of them, to also perform the duties of compensation enforcement officer, whose duty it shall be to enforce compliance with the terms of this division, and to prosecute or assist in prosecution for violations of it. Prosecutions for criminal violations of this division may be conducted by the appropriate public official of the county in which the offense is committed, by the Attorney General, by the attorney for the Industrial Accident Commission or by any attorney in the civil service of the Department of Industrial Relations specifically designated by the director for such purpose.

SEC. 2. Section 3710.1 is added to the Labor Code, to read:

Notice demanding compliance

3710.1. Where an employer has failed to secure the payment of compensation as required by this article, the director or the compensation enforcement officer may serve on the employer a written notice demanding compliance with the provisions of this article.

SEC. 3. Section 3710.2 is added to the Labor Code, to read:

Penalty

3710.2. Failure to secure the payment of compensation under this article is a misdemeanor. Failure to secure the payment of compensation within 10 days after service of the notice provided in Section 3710.1 makes mandatory on the tribunal before whom the charge of violation of this article is tried the imposition of a sentence of imprisonment in the county jail for not less than 10 days and a fine of not less than three hundred dollars ($300). Proof of continued violation of this section for 30 days makes mandatory on the tribunal before whom the charge of violation of this section is tried the imposition of a fine of not less than three hundred dollars ($300). An award of the Industrial Accident Commission finding wilful uninsurance is prima facie evidence of the employer's failure to secure the payment of compensation under this article. In any prosecution brought under the provisions of Sections 3710 to 3710.2 the statute of limitations shall not commence to run until the discovery by the director or the compensa-

tion enforcement officer of the failure to secure the payment of compensation or the tenth day after service of the notice provided in Section 3710.1, whichever is later.

SEC. 4. Section 3714 of the Labor Code is hereby repealed. Repeal

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CHAPTER 1437

An act to amend Sections 4368 and 4702 of the Labor Code, relating to burial expenses for disaster service workers and workmen's compensation death benefits.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 12, 1951.] In effect September 22, 1951

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

SECTION 1. Section 4368 of the Labor Code is amended to read:

4368. In addition to the death benefit, reasonable expenses of the disaster service worker's burial, not exceeding three hundred dollars ($300), shall be paid. Burial expenses

SEC. 2. Section 4702 of the Labor Code is amended to read:

4702. The death benefit shall be a sum sufficient to equal: Death benefit

(a) In a case of total dependency, four times the average annual earnings of the deceased employee.

(b) In a case of partial dependency only, four times the amount annually devoted to support of the dependents by the employee.

The death benefit shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the commission otherwise orders. Except as provided in the next paragraph, the death benefit, when added to all accrued disability indemnity, shall not exceed four times the average annual earnings of the employee, nor exceed the sum of seven thousand dollars ($7,000) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be increased 25 percent, but not to exceed eight thousand seven hundred fifty dollars ($8,750) and except as otherwise provided in Sections 4553 and 4554. For a total dependency the minimum death benefit shall be three thousand dollars ($3,000).

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1949 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

CHAPTER 1438

An act to amend Section 1203 of the Penal Code, relating to probation.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 12, 1951.]

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

SECTION 1. Section 1203 of the Penal Code is amended to read:

Probation: Procedure

1203. After the conviction by plea or verdict of guilty of a public offense not amounting to a felony, in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment, the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted. If probation is not denied, and in every felony case in which the defendant is eligible for probation, before any judgment is pronounced, and whether or not an application for probation has been made, the court must immediately refer the matter to the probation officer to investigate and to report to the court, at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. The probation officer must thereupon make an investigation of the circumstances surrounding the crime and of the prior record and history of the defendant, must make a written report to the court of the facts found upon such investigation, and must accompany said report with his written recommendations, including his recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted. The report and recommendations must be filed with the clerk of the court as a record in the case. At the time or times fixed by the court, the court must hear and determine such application, if one has been made, or in any case the suitability of probation in the particular case, and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. If the court shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Department of Corrections at the prison or other institution to which the defendant is delivered.

Probation shall not be granted to any defendant who shall have been convicted of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, kidnaping, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted wilfully inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has not been twice previously convicted of felony in this State nor twice previously convicted in any other place or places of public offenses which would have been felonies if committed in this State; nor to any defendant convicted of the crime of robbery, burglary of the first degree, burglary with explosives, rape with force or violence, arson, murder, attempt to commit murder, assault with intent to commit murder, train wrecking, extortion, kidnaping, escape from a state prison, violation of Sections 286, 288 or 288a of this code, or conspiracy to commit any one or more of the aforesaid felonies, unless the court shall be satisfied that he has never been previously convicted of a felony in this State nor previously convicted in any other place of a public offense which would have been a felony if committed in this State; nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this State nor convicted in any other place of a public offense which would have been a felony if committed in this State and at the time of the perpetration of said previous offense or at the time of his arrest for said previous offense he was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same) or he personally used or attempted to use a deadly weapon upon a human being in connection with the perpetration of said previous offense or in the perpetration of said previous offense he wilfully inflicted great bodily injury or torture; nor to any public official or peace officer of the State, county, city, city and county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion. No probationer shall be released to enter another state of the United States, unless and until his case has been referred to the California Administrator, Interstate Parole Compacts, pursuant to the Uniform Act for Out-of-State Parolee Supervision. Limitations

In those cases in which the defendant is not eligible for probation, the judge may in his discretion refer the matter to the probation officer for an investigation of the facts relevant to

sentence. The probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation.

CHAPTER 1439

An act providing for the constitution of the municipal court in a district embracing the City of Bakersfield, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 12, 1951.]

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

Bakersfield municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of Bakersfield shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be three judges, each of whom shall receive eight thousand six hundred dollars ($8,600) per annum, payable in equal monthly installments;

(2) There shall be one presiding court clerk to be appointed by the judges of the court and act as secretary of the court, who shall receive three hundred forty dollars ($340) per month and who may appoint the following:

One senior clerk, who shall receive a salary of two hundred ninety dollars ($290) per month;

Two intermediate clerks, each of whom shall receive two hundred fifty dollars ($250) per month;

Five junior clerks, each of whom shall receive two hundred twenty dollars ($220) per month;

(3) There shall be one marshal, to be appointed by the judges of the court, who shall receive six thousand dollars ($6,000) per annum, payable in equal monthly installments and who may appoint the following:

One assistant marshal, who shall receive four hundred fifty dollars ($450) per month;

Three deputy marshals, each of whom shall act as bailiffs when requested by the court, and each of whom shall receive three hundred fifty dollars ($350) per month;

Two deputy marshals, each of whom shall receive three hundred fifty dollars ($350) per month;

Ten deputies (custodians) at the fee allowed by law for keeping property.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Neither the marshal nor any of his deputies who receive a salary shall be entitled to retain any portion of the fees collected pursuant to law.

(4) Official reporters in such municipal courts described in this section shall be appointed as provided in Section 274c of the Code of Civil Procedure and shall be attaches of such court.

In conformity with the provisions of Section 274c of the Code of Civil Procedure, the judges of such court may appoint as many reporters as the business of the court may require, who shall be known as official reporters, and who shall serve without salary but shall receive the fees provided by Section 274 of the Code of Civil Procedure.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters as provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Section 274 of the Code of Civil Procedure which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county in which they are employed. For the purpose of such retirement system the salary herein provided for such reporters shall be deemed their entire compensation.

(5) Persons employed in the service on the effective date of the amendment to this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

(6) All fees collected by officers or attaches except those which an attache is entitled to retain, as herein provided, shall be paid into the county treasury.

CHAPTER 1440

An act to amend Sections 3211.9, 3211.92, 3211.93, 3352.94, 4363, of, and to renumber the chapter heading of Chapter 10.5 of Division 4, Part 1 of, and to repeal Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, 3352.5, 4301, 4302, 4303, 4304, 4305, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4331, 4332, 4333, 4335, 4336, 4337, 4366, and 4367 of the Labor Code, relating to the furnishing of workmen's compensation benefits to volunteer disaster service workers.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 12, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 3211.9 of the Labor Code is amended 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.

"Disaster council" includes civil defense councils and civil defense and disaster councils as authorized by Section 1502.5 of the Military and Veterans Code.

SEC. 2. Section 3211.92 of said code is amended to read:

"Disaster service worker"

3211.92. "Disaster service worker" means any natural person who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Disaster Act and the Civil Defense Act of 1950 without pay or other consideration.

"Disaster service worker" includes volunteer civil defense workers and also includes any unregistered person impressed into service during a state of extreme emergency by a person having authority to command the aid of citizens in the execution of his duties.

Persons registered with a disaster council at the time such council becomes accredited need not reregister in order to be entitled to the benefits provided by Chapter 10 of this part.

"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. 3. Section 3211.93 of said code is amended to read:

"Disaster service"

3211.93. "Disaster service" means all activities authorized by and carried on pursuant to the California Disastar Act and the Civil Defense Act of 1950, including training necessary or proper to engage in such activities.

SEC. 4. Section 3352 94 of said code is amended to read:

"Employee"

3352.94. "Employee" excludes a disaster service worker while performing services as a disaster service worker except as provided in Chapter 10 of this part. "Employee" excludes any unregistered person performing like services as a disaster service worker without pay or other consideration, except as provided by Section 3211.92 of this code.

SEC. 5. The heading of Chapter 10.5 of Division 4, Part 1 of said code is renumbered to read:

CHAPTER 10. DISASTER SERVICE WORKERS

SEC. 6. Section 4363 of said code is amended to read:

Determination of earnings

4363. If a disaster service worker suffers injury or death while in the performance of his duty as a disaster service worker, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the

purposes of determining temporary and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

Repeal

SEC. 7. Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, 3352.5, 4301, 4302, 4303, 4304, 4305, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4331, 4332, 4333, 4335, 4336, 4337, 4366 and 4367 of said code are repealed.

CHAPTER 1441

An act to amend Section 11200 of, and to add a new Article 9.5 to Chapter 2, Part 3, Division 6, and to amend Sections 11700, 11701, and 11702, of the Water Code, relating to the Central Valley Project; authorizing certain investigations, studies, and preparation of plans and specifications for purposes thereof.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 11200 of the Water Code is amended to read:

One project

11200. Subject to Article 9.5 hereof, the construction of the project is a single object and the units thereof collectively constitute one project.

SEC. 2. A new Article 9.5 is added to Chapter 2, Part 3 of Division 6 of the Water Code, to read:

Article 9.5

Units of Central Valley Project authorized

11260. The units set forth in publication of the State Water Resources Board entitled "Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of the California Water Plan," dated May, 1951, subject to such modifications thereof as the authority may adopt, and such units or portions thereof may be constructed by the authority and maintained and operated by it to such extent and for such period as the authority may determine, as units of the Central Valley Project separate and apart from any or all other units thereof.

SEC. 3. Sections 11700, 11701, and 11702, of the Water Code are amended to read:

Revenue bonds

11700. For the purpose of providing money and funds to pay the cost and expense of carrying out any of the objects and purposes of this part, the authority may, from time to time, issue revenue bonds.

Same

Recommendations of executive officer

11701. Whenever the executive officer of the authority determines that it is necessary to carry out any of the objects

and purposes of this part, he shall submit his recommendations to that effect to the authority, together with preliminary cost estimates, and an estimate of the amount required to be raised for such purposes by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor, if any, to be contributed from other sources in aid thereof.

Same
Adoption of recommendations

11702. If a majority of the members of the authority concurs in the recommendation of the executive officer, the authority shall adopt a resolution declaring that the public interest and necessity require the carrying out of such objects and purposes, and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such purposes.

Investigations, etc

SEC. 4. The Department of Public Works, acting by an through the State Engineer, is hereby authorized and directed to conduct the necessary investigations, surveys and studies and preparation of plans and specifications for the construction of the works authorized by Section 2 of this act and to submit the same to the Water Project Authority for its approval.

CHAPTER 1442

An act to amend Section 28139 of, and to add Section 28159 to, the Government Code, relating to compensation for public services in counties.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 28139 of the Government Code is amended to read:

Nevada County officers Salaries

28139. In a county of the thirty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, one thousand eight hundred dollars ($1,800) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for all services rendered as supervisor, as member of the board of equalization, and as road commissioner. Each supervisor shall also receive six cents ($0.06) for each mile traveled on county business, but not to exceed forty dollars ($40) in any one calendar month, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of thirty-five cents ($0.35) for each mile actually and necessarily traveled from their residences to the county seat in going only, to be allowed but once during each

session the jurors are required to attend. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

SEC. 3. Section 28159 is added to said code, to read:

28159. As used in this chapter, "county business" includes, but is not limited to, travel performed by supervisors between their place of residence and the courthouse while going to or returning from meetings of the board of supervisors. "County business"

CHAPTER 1443

An act to amend Section 117m of the Code of Civil Procedure, relating to the issuance of abstracts of judgment in small claims courts.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. Section 117m of the Code of Civil Procedure is hereby amended to read as follows:

117m If no appeal be taken by the defendant and the defendant fails to pay the judgment according to the terms and conditions thereof, the justice before whom such a hearing was had, or the clerk or deputy clerk of said justice's or municipal court, shall, on application of the plaintiff, certify such judgment in substantially the following form: Certification of judgment Form

In the Small Claims Court of _____, County of _____, State of California.

_____,
Plaintiff,
vs.
_____,
Defendant.

ABSTRACT OF JUDGMENT

In the above-entitled court and action on the _____ day of _____, 19___, judgment was entered for plaintiff for $_____; that no appeal from said judgment has been taken.

Dated this _____ day of _____, 19___.

_____,
Justice of said court.

_____,
Clerk of said court.

CHAPTER 1444

An act to amend Section 2605 of the Elections Code, relating to sponsors for candidates.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 2605 of the Elections Code is amended to read:

Sponsors Number

2605. The number of sponsors required for the respective offices are as follows:

(a) State office, or United States Senate, not less than 65 nor more than 100.

(b) House of Representatives in Congress, Board of Equalization, or any office voted for in more than one county, and not state-wide, except the State Senate or the Assembly, not less than 40 nor more than 60.

(c) State Senate or Assembly, or candidacy in a single county or any political subdivision thereof, not less than 20 nor more than 30.

(d) Every office for which the number of sponsor certificates is not above provided, not less than 10 nor more than 20.

(e) When any political party has less than 50 registered voters in the State or in the county or district in which the election is to be held, one-tenth the number of registered voters of the party.

(f) When there are less than 150 registered voters in the county or district in which the election is to be held, not less than 10 nor more than 20.

CHAPTER 1445

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

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

"Public body"

(a) The term "public body" means counties, cities and counties, cities, and public districts of any kind or class, including, without limiting the generality thereof, the following, to wit: School districts of any kind or class, junior college districts, irrigation districts, irrigation district improvement districts, irrigation district distribution districts, reclamation districts, drainage districts, levee districts, county power pumping districts, public utility districts, municipal utility districts,

municipal improvement districts, sanitary districts, sanitation districts, sewer maintenance districts, garbage disposal districts, air pollution control districts, unified air pollution control districts, county sewerage and water districts, municipal sewer districts, joint municipal sewage disposal districts, metropolitan water districts, county water districts, county waterworks districts, water districts, water storage districts, municipal water districts of any kind, water conservation districts, conservancy districts, pest control districts, weed abatement districts, horticultural improvement districts, mosquito abatement districts, soil conservation districts, county fire protection districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, airport districts, port districts, river port districts, harbor districts, recreational harbor districts, harbor improvement districts, municipal port districts, joint harbor improvement districts, flood control districts, storm water districts, library districts, fire protection districts, county maintenance districts, assessment districts, separation of grade districts, park recreation and parkway districts, recreation park and parkway districts, regional park districts, public cemetery districts, local hospital districts, local health districts, veterans' memorial districts, citrus pest control districts, county water authorities, zones of flood control districts, vehicle parking districts, parking authorities, housing authorities, 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.

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

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

Annexation, etc SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body 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.

Bonds

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

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

Scope

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

(b) 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 Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections

(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, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, or to confirm, validate or legalize the organization of, or any proceedings for the organization of any municipal corporation, when any part of the area of such municipal corporation within the boundaries thereof described in the resolution or order of the board of supervisors defining and establishing the boundaries of the proposed municipal corporation has been held by any court to be a part of another municipal corporation or has, directly or indirectly,

been held illegally included within such boundaries of the proposed municipal corporation as described in said resolution or order of the board of supervisors or in the notice of election on the incorporation of the proposed municipal corporation.

Validation Apportionment of bond proceeds

SEC. 7. Wherever bonds of any unified school district have heretofore been issued and sold and the notice of the election at which such bonds were authorized did not specify what portion, if any, of said bonds were to be issued for elementary school purposes, what portion, if any for high school purposes, and what portion, if any, for junior college purposes, and the governing board of such unified school district has heretofore adopted and entered on its minutes a resolution determining what portion, if any, of such bonds were in fact issued and sold and the proceeds therefrom used for elementary school purposes, what portion, if any, of such bonds were in fact issued and sold and the proceeds therefrom used for high school purposes, and what portion, if any, of such bonds were in fact issued and sold and the proceeds therefrom used for junior college purposes, the action of such governing board making such determination is hereby confirmed, validated, and declared legally effective for the purpose of determining or applying the limitations on bonded debt set forth in Section 4714 and Section 4965 of the Education Code of the State of California.

"Now" "Heretofore" "Hereafter"

SEC. 8. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 9. This act may be cited as the Second Validating Act of 1951.

CHAPTER 1446

Stats 1931, p 2045

An act to amend Section 2 of an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, re-enacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to eminent domain and declaring the urgency thereof.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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:

Powers

SEC. 2. Any water conservation district organized and established as herein provided shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein, or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, appropriations, purchase, gift, devise, condemnation, or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers and to the accomplishment of the purposes of this act;

5. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for the storage of water and by spreading and sinking water, to build, construct, or acquire the necessary dams, dam sites, reservoirs and reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to sell or otherwise dispose of any water that may be stored or appropriated, owned or controlled by the district; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purposes of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams or unnavigable river, or rivers, including the natural subterranean supply of water therefrom, which may be used or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

6. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this act, or to operate or to make use of the same, but the right of eminent domain shall not extend to any property used for, or dedicated to cemetery purposes.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may acquire by condemnation or agreement real property adjacent thereto or in the immediate vicinity thereof to be exchanged for real property so required by the district.

7. To vote bonds, cause assessments to be levied, cause elections to be held for the voting of bonds, or on the question of special assessments, and if said special assessments are voted, to cause the same to be levied, as herein provided, for the purpose of paying any obligation of the district, and for the purpose of raising money to further accomplish the purposes of this act in the manner herein provided;

8. To make contracts, to employ labor, and to do all acts necessary for the full exercise of the powers herein granted.

Urgency

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

The conservation of winter flood waters is vital to agriculture, industry and the sufficiency of the supply of water for domestic use in this State.

Such flood waters cannot be effectively conserved unless water districts engaged in that enterprise are able to acquire real property to exchange for real property devoted to public or quasi-public use required by such districts for such conservation purposes.

In order that such flood waters may be saved during the next winter season it is necessary that this act go into effect immediately.

CHAPTER 1447

An act making an appropriation for the restoration and improvement of the Benicia State Capitol Historical Monument.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

Appropriation Benicia State Capitol Historical Monument

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund in the State Treasury to the Department of Natural Resources, Division of Beaches and Parks, for such repairs and improvements to the Benicia State Capitol Historical Monument as the Director of Finance approves as necessary for its preservation.

Repayment

SEC. 2. Any moneys expended by the Division of Beaches and Parks, Department of Natural Resources, from the appropriation contained in this act shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.

CHAPTER 1448

An act to amend Sections 13642, 14103, 14191, 14201, 14211, and to repeal Section 14212 of the Revenue and Taxation Code, relating to inheritance taxes.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 13642 of the Revenue and Taxation Code is amended to read:

Transfer in contemplation of death

13642. A transfer conforming to Section 13641 and made in contemplation of the death of the transferor is a transfer subject to this part, but no such transfer shall be deemed or held to have been made in contemplation of death if made more than three years prior to the death of the transferor.

"Contemplation of death"

"Contemplation of death" includes that expectancy of death which actuates the mind of a person on the execution of his will. The term is not restricted to that expectancy of death which actuates the mind of a person making a gift causa mortis.

SEC. 2. Section 14103 of said code is amended to read:

Delinquent tax

14103. Every tax imposed by this part is delinquent at the expiration of two years from the date on which it became due and payable, if not paid within that time.

SEC. 3. Section 14191 of said code is amended to read:

Compromise

14191. Notwithstanding the provisions of Articles 6.5 and 6.7 of Chapter 8 of this part, the Controller may compromise with the executor, administrator, or trustee in charge of the property involved, (a) the taxability of any transfer made subject to a contingency or condition upon the occurrence of which the right, interest, or estate of the transferee may, in whole or in part, be created, defeated, extended or abridged.

(b) The tax, including the interest thereon, payable on any transfer of property included in the estate of any decedent who it is claimed was not a resident of this State at the time of his death.

SEC. 4. Section 14201 of said code is amended to read:

Failure to pay tax

14201. If any executor or administrator fails to pay any tax imposed by this part for which he is liable prior to the delinquent date of the tax, he shall, on motion of the Controller in his discretion, be required by the superior court having jurisdiction to execute a bond to the people of the State of California in a penalty of twice the amount of the tax with such sureties as the court may approve, conditioned for the payment of the tax, plus interest on the tax at the rate of 6 percent per annum commencing on the date said tax became delinquent, within a certain time to be fixed by the court and specified in the bond.

SEC. 5. Section 14211 of said code is amended to read:

Interest

14211. The tax does not bear interest if it is paid prior to the date on which it otherwise becomes delinquent. However,

if it is paid after that date it bears interest at the rate of 6 percent per annum from the date it became delinquent and until it is paid.

SEC. 6. Section 14212 of said code is hereby repealed. Repeal

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CHAPTER 1449

An act to create a flood control district to be called Napa County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, public highways, life and property from damage or destruction from such waters; to provide for the acquisition, retention, and reclaiming of drainage, storm, flood, and other waters and to save, conserve, and distribute such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to define the powers of said district; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect immediately

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

SECTION 1. This act shall be known and may be cited as the Napa County Flood Control and Water Conservation District Act. Short title

SEC. 2. A flood control district is hereby created to be called the Napa Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Napa lying within the exterior boundaries of said county. As used in this act "district" means the Napa County Flood Control and Water Conservation District. Creation

SEC. 3. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. Zones

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 12 of this act.

Purpose of act

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or dimmution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood or other waters including waters from any sources, within or without the watershed in which the district is located for beneficial use within the district.

Powers of district

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

Succession

1. To have perpetual succession.

Suits

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal

3. To adopt a seal and alter it at pleasure.

Property

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

Storage etc. of water

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume

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

Flood control

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

Cooperation

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

Investigations

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required

for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Entrance on land

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Napa County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Napa County

Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Indebtedness

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

Taxes

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

Generally

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

Eminent domain

SEC. 6. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the

State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

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

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

Powers of board of supervisors

SEC. 7. The Board of Supervisors of Napa County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Napa County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Napa County Flood Control and Water Conservation District.

"Board" "Board of supervisors"

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

Performance of duties County officers

SEC. 8 The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Napa, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Napa County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Napa County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Napa County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the

district, in addition to his salary as county surveyor of Napa County.

Rules and regulations

SEC. 9. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all needful agents, superintendents, engineers, attorneys, and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

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

Employment of engineers

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

Reports

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general specifications relating thereto, on each project or work of improvement.

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

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

4. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired

or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

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

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

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

Determination of benefit etc

SEC. 11. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or

2. For the common benefit of two or more zones hereinafter referred to as participating zones; or

3. For the benefit of a single zone.

Projects

SEC. 12. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Advisory committees

SEC. 12 5. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint, for each zone, at the time of the adoption of its resolution of intent, an advisory committee of three persons who are property owners residing in the zone for which they are appointed, to represent before the board the residents and property owners of that zone. Each person so appointed shall be permitted to attend every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of the meeting at least five days before the meeting Vacancies in the advisory committees shall be filled by appointment by the board.

SEC. 13. The board shall have power, in any year·

Powers of the board

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed five cents ($0 05) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such govern-

mental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Bonds

SEC. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Napa County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

Special election

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth (1/40) of the whole amount of the principal and interest of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts. Same Procedure

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided

Form of bonds

SEC. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five percentum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Disposition of proceeds

SEC. 16. The board may issue and sell the bonds of such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Napa to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone, or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Napa.

Lien

SEC. 17. Any bonds issued under the provisions of this act shall be a lien upon all property of the zone or zones of

issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within said zone or participating zones and all property in said zone or participating zones shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor. Registration, etc

SEC. 18 The board shall levy a tax or assessment each year upon all property in the zone or zones of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Napa County to the credit of the zone of payment, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Napa County in the manner provided by law for the payment of principal and interest on bonds of said county. Levy of taxes

SEC. 19. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof Taxation procedure

SEC 20. Notwithstanding Section 54903 of the Government Code, the Napa County Flood Control and Water Conservation District is validly created for the purposes of assessment 1951-52 taxation

and taxation. The creation of any zone in the Napa County Flood Control and Water Conservation District shall not be effective for purposes of assessment or taxation for the Fiscal Year 1950-1951 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Section 54903 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the Napa County Flood Control and Water Conservation District.

For the Fiscal Year 1951-1952, but for no other fiscal year, notwithstanding Section 19 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1951-1952 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1951-1952 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1952, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1951-1952, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

Equalization of assessments

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

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes,

is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary pro- Procedure
cedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1951-1952. Except as provided in this section, Section 19 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1951-1952.

SEC. 21. The bonds of the district issued for any zone or Bonds as legal investments
zones thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

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

SEC. 22. All bonds issued by said district under the pro- Tax exemption
visions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section $1\frac{3}{4}$ of Article XIII and Section 13 of Article XI of the Constitution of this State.

SEC. 23. All contracts for any improvement or unit of Contracts Limitation
work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the matter hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work

into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvements, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Conformity of improvements with report, etc

SEC 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional bonds

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

Failure of proposition

SEC 26. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified

electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Effect of repeal etc., of act

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

Rights of way over public lands

SEC. 28. There is hereby granted to Napa County Flood Control and Water Conservation District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands

Relocation of streets, etc.

SEC. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 6 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.

Claims against district

SEC. 30. Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose.

Legal title of property

SEC. 31. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

Proceeding to determine legality

SEC. 32. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Napa, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be a defendant in such action, and consent therefor is given Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint,

in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

Employees' bonds

SEC. 33. Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments.

Construction

SEC. 34. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Severability

SEC. 35. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Urgency

SEC. 36. 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 effective culmination of planning and application and operation of engineering and fiscal data developed for use in this project requires the development of an immediate and expedient program prior to the flood season. In order to accomplish this purpose and to effect operation at the earliest possible moment under favorable conditions, it is necessary that this act take effect immediately.

CHAPTER 1450

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

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect immediately

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

Appropriation Expenses of Senate

SECTION 1. The sum of three hundred thousand dollars ($300,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the State Treasury for the contingent expenses of the Senate, including the expenses of committees, without regard to fiscal years.

Current expenses

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution, and shall take effect immediately.

CHAPTER 1451

Stats 1925, p 648, amended

An act to amend Section 9.3 of the Municipal Court Act of 1925, and providing for the constitution of the municipal court in a district embracing the City of San Diego, relating to municipal courts.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 9.3 of the Municipal Court Act of 1925 is amended to read:

San Diego Municipal Court

Sec. 9.3 The municipal court in a city or city and county of the second and one-fourth class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as provided herein and in Section 9.5 or in Section 9 to the extent that the latter section is not superseded by this section.

Judges

There shall be six judges, each of whom must be a registered and qualified elector of the city or city and county wherein they are to serve and must have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding their election or appointment, and each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum, payable in equal monthly installments.

Whenever a municipal court is established in a city of the second and one-fourth class, the salaries of the judges, clerk, marshal, and other attaches, and the cost of all supplies, books, furniture and suitable quarters, for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court, or a division thereof, when sessions are held at more than one place within the city wherein the court is established shall be paid by the county in which the court is situated out of its municipal court fund, if there be one, or if there be no such fund, out of the general fund.

The city shall reimburse the county in the amount of 20 percent of all costs of maintaining and operating the municipal court from such municipal court fines and forfeitures as by law would otherwise become the property of the city. The amount to be paid may be deducted and retained for the account of the county by the county auditor, as often as may be practicable, and at least semiannually, from the amounts payable to the city pursuant to Section 1463 of the Penal Code.

The city in which the court is established shall provide and maintain suitable quarters for one department of the municipal court, including heating, light and janitorial service, and the city and county shall enter into an agreement providing for the payment of the rental thereof, including heat, light and janitor service, by the county out of the municipal court fund, if there be one, or if there be no such fund, out of the general fund.

SEC. 2. The municipal court established in a district embracing the City of San Diego shall be constituted, and the judges thereof shall receive compensation as follows: San Diego Municipal Court

There shall be six judges each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum payable in equal monthly installments. Judges

CHAPTER 1452

An act to provide for the transfer to the School Land Fund of the unexpended balance remaining on deposit in the School Land Deposit Fund, and making an appropriation.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 23, 1951

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

SECTION 1. On order of the State Controller, the balance remaining on deposit in the School Land Deposit Fund on the effective date of this act, according to the records of the State Controller, shall be transferred to the School Land Fund. Transfer of funds

SEC. 2. The amount transferred to the School Land Fund pursuant to this act is hereby continuously appropriated to the State Lands Commission for expenditure therefrom, without regard to fiscal years, for the same purposes, and subject to the same conditions, limitations, and restrictions, for which such amount, or any portion thereof, was available for expenditure from the School Land Deposit Fund immediately preceding such transfer. Appropriation

CHAPTER 1453

An act to add Section 7190 to the Education Code, relating to the apportionment of the State School Fund.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. Section 7190 is added to the Education Code, to read:

7190. If during any fiscal year there is apportioned to a school district or to any fund from the State School Fund more or less than the amount to which the district or fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment made during such next or succeeding fiscal year, the amount of such excess or deficiency, as the case may be. Adjusting apportionments

When any judgment has been rendered which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of more than the amount actually apportioned thereto during such fiscal year, the difference shall be apportioned to the district, agency, or fund by the Superintendent of Public Instruc-

tion from the State School Fund during the fiscal year following that in which the judgment becomes final before any other apportionment from the State School Fund is made Upon the becoming final of any judgment which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of less than the amount actually apportioned thereto during any fiscal year, the difference shall be deducted from the apportionment made to such district, agency, or fund by the Superintendent of Public Instruction from the State School Fund during the fiscal year following that in which the judgment becomes final.

CHAPTER 1454

An act to amend Sections 14376.3 and 14610 of the Education Code, relating to other employment by members of the State Teachers' Retirement System.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 14376.3 of the Education Code is amended to read:

Employees with credentials

14376.3. Persons employed by the State Commission on School Districts and persons employed in the Department of Corrections, who hold a valid credential issued by the State Board of Education, are members of the system; provided, they elected under Section 20335 of the Government Code, prior to the ninetieth day following the adjournment of the 1951 Regular Session of the Legislature, to be such members; and provided further, that if employed on or after such date, such persons are members of this system with respect to such employment if they are employed in teaching positions in said department or by said commission.

SEC. 2. Section 14610 of said code is amended to read:

Employment of retired person

14610. Except as otherwise provided in this section, no person retired for service shall accept employment in a status requisite for membership in the Retirement System (including, with respect to persons retired after October 1, 1945, a status in which the person may elect membership in this or another retirement system, and only while such status includes the right of election), or in any teaching capacity in a public school, within two years after the effective date of retirement, and in any event not until after notifying the Retirement Board at its office in Sacramento, and if retirement is for disability, until the board has determined by medical examination, that he is no longer incapacitated. If any person fails to comply with these requirements, the employment shall be invalid. At any time prior to July 1, 1947, or prior to the termination of the war in which the United States of America is now engaged, whichever is the earlier, any person heretofore or hereafter retired for service or after attaining an age at which the classification of

persons as permanent employees of school districts ceases and who was not otherwise retired because of bodily or mental infirmity may, after giving notice to the Retirement Board at its office in Sacramento, accept employment in any status requisite for membership in the Retirement System or in any teaching capacity in a public school.

CHAPTER 1455

An act to amend Section 14084 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. Section 14084 of the Health and Safety Code is amended to read:

14084. It may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other inflammable material, if, in its judgment, the inflammable material endangers the public safety by creating a fire hazard. The provisions of Part 5, Division 12, of this code are made applicable to the fire protection districts organized and existing pursuant to this chapter, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter, or other inflammable material which endangers the public safety by creating a fire hazard. In the application of the provision of said Part 5, Division 12, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the board of fire commissioners acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the members of the fire department of said district. Clearing of land "Board of supervisors," "board"

CHAPTER 1456

An act to amend Section 5050 5 of the Welfare and Institutions Code, relating to procedure for examination of the mental health of a person alleged to be mentally ill and to court orders concerning such procedures.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. Section 5050 5 of the Welfare and Institutions Code is amended to read:

5050 5. At the time of service of the petition and order for examination or detention, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows: Form of notice

The petition which accompanies this notice has been filed in the Superior Court in and for the County of _____, alleging that _____ is mentally ill and in need of supervision, treatment and care.

* _____ is notified to present himself at the time and place designated in the attached order to submit to an examination into the state of his mental health. He is permitted to be accompanied by one or more of his relatives or friends to the place of examination. If he fails or refuses to appear for such examination, the court may issue an order for his forthwith detention for such examination.

* _____ has been affirmatively alleged to be sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained. The court has therefore issued the attached order for detention and for examination and hearing before the court.

_____ has the right to appear before the court to prove he is not mentally ill, to bring in witnesses, and to be represented by an attorney.

If _____ or a relative, friend, counsel or representative desires to be heard by the court, he must within four days after service of this notice file a request for a hearing with the clerk of the Superior Court in and for the County of _____.

* Strike out when not applicable.

CHAPTER 1457

Stats 1935, p 1123, amended

An act to add Section 7.1 to the Alcoholic Beverage Control Act, relating to issuance of licenses.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 7.1 is added to the Alcoholic Beverage Control Act, to read:

Application for license previously revoked

Sec. 7.1. Any individual, who held a license under this act on December 7, 1941, and whose license was thereafter revoked because of the Japanese ancestry of the licensee, or surrendered, or was permitted to expire by such Japanese, may at any time within six months after the effective date of this section file an application for a similiar license, and the board shall issue such a license upon the payment of the current fee therefor. The provisions of Section 38f shall not apply to licenses issued to such persons. No license shall be issued pursuant to this section to a person who is not qualified to hold a license at the time of filing his application hereunder, and the issuance of such a license shall be subject to the approval of the board and other provisions of this act. The acceptance of a license issued pursuant to this section shall constitute a release of any and all

claims for damages, if any there be, which the person to whom the license is issued may have against the State by reason of the revocation, cancellation, or expiration of any license previously issued to or held by such person under this act; and provided further, that no such license or interest therein shall be subject to transfer by such person to any other transferee for a period of one year and thereafter only if such individual to whom such license has been restored hereunder has during such year as sole owner conducted the business operated under such license and personally, unless prevented by causes beyond his control, worked in the actual operation of said business.

CHAPTER 1458

An act to amend Section 202 of the Education Code, relating to the distribution of surplus property of the Federal Government by the State Educational Agency for Surplus Property.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 202 of the Education Code is amended to read:

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 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.

Cooperation in surplus property distribution

CHAPTER 1459

An act to amend Section 1027 of the Probate Code, relating to the distribution of estates and notice to the State Controller.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1027 of the Probate Code is amended to read:

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not

Application for distribution

distribute the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California that portion of such estate not distributed to such known heirs, devisees or legatees.

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must serve the State Controller, personally or by mail, with a copy of the petition for distribution, together with notice of the hearing thereon, specifying the date of such hearing, and a copy of the latest account filed with the court, at least 30 days prior to the date of such hearing.

Distribution to State

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided.

Upon the rendition of a decree of distribution, any money distributed to the State of California and not held on deposit in a county treasury at the time the distribution is made by the court shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section.

If the money or other personal property belonging to an estate has been deposited in the county treasury prior to the date of distribution to the State of California, upon the rendition of the decree of distribution, any money so distributed shall forthwith be delivered to the State Treasurer by the county treasurer, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury. A certified copy of the decree of distribution and of any court orders amending the same, shall be delivered to the State Controller by the county treasurer at the time of making any remittance in connection with an estate as provided in this section.

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may claim the estate or any part thereof in the manner provided by Sections 1272 and 1272a of the Code of Civil Procedure. Rights of nonresident aliens shall be governed by the provisions of Section 1026 of this code. Claims Limitation

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the State. Failure to claim

SEC. 2. Section 1027 of the Probate Code is amended to read:

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California that portion of such estate not distributed to such known heirs, devisees or legatees. Application for distribution

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must serve the State Controller, personally or by mail, with a copy of the petition for distribution, together with notice of the hearing thereon, specifying the date of such hearing, and a copy of the latest account filed with the court, at least 30 days prior to the date of such hearing.

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided. Distribution to State

Upon the rendition of a decree of distribution, any money distributed to the State of California and not held on deposit in a county treasury at the time the distribution is made by the court shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section.

If the money or other personal property belonging to an estate has been deposited in the county treasury prior to the date of distribution to the State of California, upon the rendition of the decree of distribution, any money so distributed shall forthwith be delivered to the State Treasurer by the county treasurer, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury. A certified copy of the decree of distribution and of any court orders amending the same, shall be delivered to the State Controller by the county treasurer at the time of making any remittance in connection with an estate as provided in this section.

Claims Limitation

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may claim the estate or any part thereof in the manner provided by Title 10 of Part 3 of the Code of Civil Procedure. Rights of nonresident aliens shall be governed by the provisions of Section 1026 of this code.

Failure to claim

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the State.

Effect Stats. 1951, Ch. 1708

SEC. 3. Section 2 of this act becomes operative only if a new Title 10 is added to Part 3 of the Code of Civil Procedure by enactment of the Legislature at its 1951 Regular Session, and in such case at the same time as said new Title 10 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1460

Stats. 1949, p. 2546

An act to amend Sections 8354, 8355, 8356, and 8357 of the Revenue and Taxation Code and to repeal Section 8 of an act entitled "An act to amend Section 8352 of, and to add Sections 8354 to 8358, inclusive, to, the Revenue and Taxation Code, relating to aviation and airports and the financing thereof, including revenue from taxes on motor vehicle fuel," approved July 29, 1949, relating to the tax on motor vehicle fuel.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 8354 of the Revenue and Taxation Code is amended to read:

8354. The board shall immediately after the close of each calendar year transmit to the Controller a statement showing the total amount of taxes, interest, and penalties paid during such calendar year in connection with motor vehicle fuel which is used or usable in propelling aircraft of a type heavier than air. The board shall require distributors and producers to keep such records and furnish such information, in their returns or otherwise, as will enable the board to comply with this section. Statement to Controller

SEC. 2. Section 8355 of said code is amended to read:

8355. The Controller shall annually apportion pursuant to Section 8357 the difference between the total amount of taxes, interest, and penalties reported to him for each preceding year pursuant to Section 8354 and the total of: Apportionment

(a) Refunds paid pursuant to subdivision (a) of Section 8352 in connection with such taxes, interest, and penalties.

(b) Amounts paid pursuant to subdivisions (b), (c), and (e) of Section 8352 in connection with such taxes, interest, and penalties.

SEC. 3. Section 8356 of said code is amended to read:

8356. If the total amounts paid and to be paid described in subdivisions (a) and (b) of Section 8355 have not been determined before the Controller makes the apportionment pursuant to Sections 8355 and 8357, the Controller may estimate the amount to be paid pursuant to such sections during any year and may pay to any county a sum not to exceed ninety percent (90%) of the amount estimated to be due to the county during the year. Estimates

After the Controller has made a payment to a county based on his estimate and the amounts paid and to be paid described in subdivisions (a) and (b) of Section 8355 have been determined, he shall compute the balance due and pay such balance to each of the counties to which payments have been made.

SEC. 4. Section 8357 of said code is amended to read:

8357. The amount available to be apportioned pursuant to Section 8355 shall be apportioned among the several counties. There shall first be paid to each county the sum of two thousand five hundred dollars ($2,500) annually and the balance shall be apportioned one-half in the proportion which the population of each county bears to the total population of the State, and one-half in the proportion which the area of each county bears to the total area of the State. Such population shall be that determined in the most recent federal decennial census Apportionment

In any county wherein there is located an airport owned by a city, 50 percent of the amount apportioned to such county shall be paid to such city. In the event that there is more than one such city within the county, the cities' share shall be divided among such cities in the proportion which the population of each city bears to the total population of airport-owning cities within the county.

Repeal

SEC. 5. Section 8 of the act cited in the title hereof is repealed.

Operative date

SEC. 6. Section 5 of this act shall become operative at the same time this act takes effect. Sections 1 to 4, inclusive, of this act shall become operative only with respect to motor vehicle fuel license taxes, interest, and penalties paid to the Controller on or after January 1, 1952, and Sections 8354 to 8358, inclusive, of the Revenue and Taxation Code as they read prior to the effective date of this act shall continue to be applicable to such taxes, interest, and penalties paid to the Controller prior to January 1, 1952.

CHAPTER 1461

An act to amend Section 5032 of the Education Code, relating to state school building aid.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 5032 of the Education Code is amended to read:

Unauthorized expenditures

5032. Whenever the Controller determines that any money apportioned to a school district has been expended by a school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the Controller shall furnish written notice to the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the General Fund, and shall be credited to the unapportioned balance of the appropriation from which originally paid.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this chapter, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

CHAPTER 1462

An act to amend Sections 2160.7 and 3044.1 of the Welfare and Institutions Code, relating to state reimbursement to counties for the cost of institutional care of certain aged and certain blind persons.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 2160.7 of the Welfare and Institutions Code is amended to read:

Reimbursement for care to aged

2160.7. Notwithstanding any provision of subdivision (e) of Section 2160, for each person, who is receiving aid or security to the aged on the date he enters a county institution for medical, hospital, or infirmary care at county expense, the State, during the period following the first two calendar months of such confinement, shall pay to the county reimbursement for the cost of care of the person in the sum of thirty-five dollars and twenty cents ($35.20) per month or portion of a month the person remains in the institution Nothing in this section shall prohibit a person from receiving his assistance during the first two calendar months of his confinement, or after his release from the county institution, except as herein provided.

Whenever such an aged person, whose aid has been suspended due to confinement in a county institution, is released and re-enters a county institution within 10 days and before aid is restored, his confinement in the institution shall, for the purpose of county reimbursement for the cost of care under this section, be deemed to have been continuous.

For the purposes of this section, a county institution includes a private hospital which pursuant to contract with the county accepts patients for medical, hospital or infirmary care at county expense.

SEC. 2. Section 3044.1 of said code is amended to read:

Reimbursement for care to blind

3044.1. Notwithstanding any provision of Section 3044, for each person, who is receiving aid or security to the blind on the date he enters a county institution for medical, hospital, or infirmary care at county expense, the State, during the period following the first two calendar months of such confinement, shall pay to the county reimbursement for the cost of care of the person in the sum of thirty-five dollars and twenty cents ($35.20) per month or portion of a month the person remains in the institution. Nothing in this section shall prohibit a person from receiving his assistance during the first two calendar months of his confinement, or after his release from the county institution, except as herein provided.

Whenever such a blind person, whose aid has been suspended due to confinement in a county institution, is released and re-enters a county institution within 10 days and before aid is restored, his confinement in the institution shall, for the

purpose of county reimbursement for the cost of care under this section, be deemed to have been continuous.

For the purposes of this section, a county institution includes a private hospital which pursuant to contract with the county accepts patients for medical, hospital or infirmary care at county expense.

CHAPTER 1463

An act to add Sections 715.1, 715.2, and 715.3 to the Civil Code, and to amend Sections 716, 771, and 773 of said code, and to repeal Sections 715, 772, and 776 of said code, relating to the rules against remoteness in vesting and against suspension of the power of alienation.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 715.1 is added to the Civil Code, to read:

Suspension of power of alienation

715.1. The absolute power of alienation cannot be suspended, by any limitation or condition whatever, for a period longer than 21 years after some life in being at the creation of the interest and any period of gestation involved in the situation to which the limitation applies. The lives selected to govern the time of suspension must not be so numerous or so situated that evidence of their deaths is likely to be unreasonably difficult to obtain.

SEC. 2. Section 715.2 is added to the Civil Code, to read:

Vesting of interest in property

715.2. No interest in real or personal property shall be good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest and any period of gestation involved in the situation to which the limitation applies. The lives selected to govern the time of vesting must not be so numerous or so situated that evidence of their deaths is likely to be unreasonably difficult to obtain. It is intended by the enactment of this section to make effective in this State the American common-law rule against perpetuities.

SEC. 3. Section 715.3 is added to the Civil Code, to read:

Retirement trust

715.3 No trust heretofore or hereafter created forming part of a retirement system established pursuant to the laws of California authorizing such systems shall be deemed invalid as violating Sections 715.1 or 715.2 of this code; and the income arising from such property, real or personal, held in such trust may be permitted to accumulate until the fund is sufficient, in the opinion of the trustee or trustees thereof, to accomplish the purposes of the trust.

SEC. 4. Section 716 of the Civil Code is amended to read:

Suspension of power of alienation Future interest

716. Every future interest is void in its creation which, by any possibility, may suspend the absolute power of alienation for a longer period than is prescribed in this chapter. Such power of alienation is suspended when there are no persons in

being by whom an absolute interest in possession can be conveyed. The period of time during which an interest is destructible pursuant to the uncontrolled volition and for the exclusive personal benefit of the person having such a power of destruction is not to be included in determining the existence of a suspension of the absolute power of alienation or the permissible period for the vesting of an interest within the rule against perpetuities.

SEC. 5. Section 771 of the Civil Code is amended to read:

771. The suspension of all power to alienate the subject of a trust, other than a power to exchange it for other property to be held upon the same trust, or to sell it and reinvest the proceeds to be held upon the same trust, is a suspension of the power of alienation, within the meaning of Section 715.1. Same Subject of trust

SEC. 6. Section 773 of the Civil Code is amended to read:

773. Subject to the rules of this title, and of Part 1 of this division, a freehold estate, as well as a chattel real, may be created to commence at a future day; an estate for life may be created in a term of years, and a remainder limited thereon; a remainder of a freehold or chattel real, either contingent or vested, may be created, expectant on the determination of a term of years; and a fee may be limited on a fee, upon a contingency, which, if it should occur, must happen within the period prescribed in Section 715.2. Creation of interests in land

SEC. 7. Sections 715, 772 and 776 of the Civil Code are repealed. Repeal

SEC. 8. This act shall not invalidate any part of any will or other instrument executed prior to the effective date of this act and any such part which would have been valid prior to said effective date shall be valid irrespective of the provisions of this act. The republication of a will executed prior to the effective date of this act by a codicil executed after said date shall not constitute execution of the will after said date within the meaning of this section. Saving clause

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CHAPTER 1464

An act to amend Section 28102 of the Government Code, relating to jurors' fees in superior and municipal courts.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county. San Francisco County officers Salaries

The fees of grand jurors and trial jurors in the superior court, and trial jurors in the municipal court, in both civil and criminal cases, shall be five dollars ($5) for each day's attend-

ance upon the court or a session of the grand jury. Fees of grand jurors and trial jurors in criminal cases shall be a charge against the county or city and county and shall be paid from county or city and county funds on or about the first day of the following month as certified to by the court. Fees in civil cases, unless otherwise provided for, are to be deposited by the litigants and shall be payable to jurors only for each day's actual service upon a jury.

CHAPTER 1465

An act to amend Section 80 of the Agricultural Code, relating to district and county agricultural fairs.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 80 of the Agricultural Code is amended to read:

Agricultural districts

80. The several counties of this State constitute agricultural districts numbered as follows:

District 1. All that portion of the County of Alameda not included in Agricultural District Number 53.

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

District 2. The County of San Joaquin.

District 3. The County of Butte.

District 4. The Counties of Sonoma and Marin.

District 5. The County of Santa Clara.

District 6. All that portion of Los Angeles County not included in Agricultural District Number 48, Agricultural District Number 50 and Agricultural District 51.

District 7. The County of Monterey.

District 8. The County of El Dorado.

District 9. The County of Humboldt.

District 10. That portion of the County of Siskiyou not included in District 10a.

District 10a. All that portion of Siskiyou and Modoc Counties described as follows:

Beginning at the intersection of the first range line east of the Mount Diablo meridian with the Oregon-California boundary line, thence southerly along said range line to the ninth standard parallel north, thence easterly along said parallel to the point where it intersects the fifth range line east of the Mount Diablo meridian, thence northerly along said range line to the Oregon state line, thence westerly along said state line to the point of beginning.

District 11. The Counties of Plumas and Sierra. A fair shall be held in each county of this district alternately.

District 12. The County of Mendocino.

District 13. The Counties of Sutter and Yuba.

District 14. The County of Santa Cruz.

District 15. The County of Kern. Same
District 16. The County of San Luis Obispo.
District 17. The County of Nevada.
District 18. The Counties of Mono, Inyo, and Alpine.
District 19. All that portion of Santa Barbara County lying east of Gaviota and south of the Santa Ynez Mountains.
District 20. The County of Placer.
District 21. The County of Fresno.
District 21a. The County of Madera.
District 22. The County of San Diego.
District 23. The County of Contra Costa.
District 24. The County of Tulare.
District 24a. The County of Kings.
District 25. The County of Napa.
District 26. The County of Amador.
District 27. The County of Shasta
District 28. The County of San Bernardino.
District 29. The County of Tuolumne.
District 30. The County of Tehama.
District 31. The County of Ventura.
District 32. The County of Orange.
District 33. The County of San Benito.
District 34. That portion of the County of Modoc not included in District 10a.
District 35. The County of Merced.
District 35a. The County of Mariposa.
District 36. The County of Solano.
District 37. All that portion of Santa Barbara County not included in Agricultural District Number 19.
District 38. The County of Stanislaus.
District 39. The County of Calaveras.
District 40. The County of Yolo.
District 41. The County of Del Norte.
District 42. The County of Glenn.
District 43. The County of Lassen.
District 44. The County of Colusa.
District 45. The County of Imperial.
District 46. The County of Riverside.
District 47. The County of Trinity.
District 48. All that portion of Los Angeles County described as follows:

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

Same

Main Street; thence north along the west line of Main Street to the north line of Valley Boulevard; thence east along the north line of Valley Boulevard to the east line of San Gabriel Boulevard; thence south along the east line of San Gabriel Boulevard to the north line of Whittier Boulevard; thence east along the north line of Whittier Boulevard to the Orange County line; thence south along the Orange County line to its intersection with the Pacific Ocean; thence west along the Pacific Coast to point of beginning.

District 49. The County of Lake.

District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino Base.

District 51. All that portion of Los Angeles County described as Assembly Districts 41 and 42 in subdivisions 41 and 42 of Section 491 of the Government Code as enacted by Chapter 134 of the Statutes of California, Fifty-fifth Regular Session, excepting therefrom any portion of the area so described lying in Agricultural District 50, all of the City of Burbank, and that portion of Assembly District 42 lying east of a line extended south from the center of the south line of T. 3 N., R. 14 W., S. B. B. & M.

District 52. The County of Sacramento.

District 53. That portion of Alameda County comprising Murray, Washington, and Pleasanton Townships, and the following portion of Eden Township, as said townships were constituted on January 1, 1947: All of that portion of Eden Township lying south and east of a line commencing at the point where the boundary line common to Eden and Pleasanton Townships touches the boundary line common to Alameda and Contra Costa Counties, thence southwesterly to the most northerly point on the boundary of the Rancho Arroyo de la Alameda, thence westerly along and following Harder Road and a line projected as a continuation of said Harder Road to San Francisco Bay

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CHAPTER 1466

An act to amend Section 261 of the Code of Civil Procedure, relating to court commissioners of the superior court in counties, or cities and counties, having a population of 2,000,000 inhabitants and over.

In effect September 22, 1951

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 261 of the Code of Civil Procedure is amended to read:

Los Angeles superior court—Commissioners

261. In any county or city and county having a population of 2,000,000 or over in which the superior court shall appoint 15 court commissioners, each commissioner shall receive a salary of nine thousand two hundred forty dollars ($9,240) per annum. The salaries in this section provided for shall be

paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited.

CHAPTER 1467

An act to add Section 27179 to the Streets and Highways Code, relating to police protection of bridge and highway district facilities.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 27179 is added to the Streets and Highways Code, to read:

27179. A bridge and highway district may contract with the State to furnish regular highway patrol officers to serve for 24-hour police or patrol duty on the bridge and its approaches. The cost of such services shall be a legal expense for operation of the district.

Highway patrol officers

CHAPTER 1468

An act to add Section 1157.1 to the Government Code, relating to public agencies.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1157.1 is added to the Government Code, to read:

1157.1. Employees of a public agency, on approval of the governing body of such public agency, may authorize deductions to be made from their salaries or wages for the payment of dues in any bona fide association whose members are comprised exclusively of the employees of such public agency in accordance with the provisions made by the governing body of the public agency.

Deductions for the payment of dues

CHAPTER 1469

An act to amend Section 402 of the Vehicle Code, relating to the liability of owners of motor vehicles.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 402 of the Vehicle Code is amended to read:

Liability of private owners

402. Liability of Private Owners. (a) Every owner of a motor vehicle is liable and responsible for the death of or injury to person or property resulting from negligence in the operation of such motor vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner, and the negligence of such person shall be imputed to the owner for all purposes of civil damages.

(b) The liability of an owner for imputed negligence imposed by this section and not arising through the relationship of principal and agent or master and servant is limited to the amount of five thousand dollars ($5,000) for the death of or injury to one person in any one accident and subject to said limit as to one person is limited to the amount of ten thousand dollars ($10,000) with respect to the death of or injury to more than one person in any one accident and is limited to the sum of five thousand dollars ($5,000) for damage to property of others in any one accident.

(c) In any action against an owner on account of imputed negligence as imposed by this section the operator of said vehicle whose negligence is imputed to the owner shall be made a party defendant if personal service of process can be had upon said operator within this State. Upon recovery of judgment, recourse shall first be had against the property of said operator so served.

(d) In the event a recovery is had under the provisions of this section against an owner on account of imputed negligence, such owner is subrogated to all the rights of the person injured or whose property has been injured and may recover from such operator the total amount of any judgment and costs recovered against such owner. If the bailee of an owner with the permission, express or implied, of the owner permits another to operate the motor vehicle of the owner, then such bailee and such driver shall both be deemed operators of the vehicle of the owner within the meaning of subdivisions (c) and (d) of this section.

Same

(e) Where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and such payments shall diminish to the extent thereof the owner's total liability on account of such accident; and payments so made aggregating the full sum of ten thousand dollars ($10,000) shall extinguish all liability of the owner hereunder to said claimants and all other persons on account of such accident, which liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent or master and servant.

(f) If a motor vehicle is sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this section, but the vendee, or

his assignee shall be deemed the owner notwithstanding the terms of such contract, until the vendor or his assignee retake possession of such motor vehicle. A chattel mortgagee of a motor vehicle out of possession shall not be deemed an owner within the provisions of this section.

(g) No action provided for in this section shall abate by reason of the death of any injured person or of any person liable or responsible under the provisions of this section; provided, that in any action for physical injury contemplated by this section by the executor, administrator or personal representative of any deceased person, the damages recoverable shall be the same as those recoverable under Section 956 of the Civil Code.

CHAPTER 1470

An act to amend Section 30815 of the Water Code, relating to county water districts, in respect to nominations for election to office.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 30815 of the Water Code is amended to read:

30815. If on the twentieth day prior to a general county water district election only one person has been nominated for each of the positions of director to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of directors of said district, an election shall not be held.

Lack of nominees

CHAPTER 1471

An act to amend Section 737ddd of the Political Code and Section 79 56 of the Code of Civil Procedure, relating to judges of the superior court.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 737ddd of the Political Code is amended to read:

737ddd. The annual salary of each of the judges of the Superior Court in the County of Ventura is fifteen thousand dollars ($15,000).

Ventura County superior court judges' salaries

SEC. 2. Section 79.56 of the Code of Civil Procedure is amended to read:

Same

79.56. The annual salary of each judge of the Superior Court in the County of Ventura is fifteen thousand dollars ($15,000).

Effect Stats 1951, Ch 655

SEC. 3. Section 2 of this act becomes operative only if Section 737ddd of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1472

An act to amend Section 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 28118 of the Government Code is amended to read:

Ventura County officers: Salaries

28118. In a county of the eighteenth class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand four hundred twenty dollars ($6,420) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, nine thousand five hundred dollars ($9,500) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive seven cents ($0.07) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, three thousand dollars ($3,000) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive seven cents ($0.07) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations seven cents ($0.07) for each mile actually traveled.

(e) Trial jurors in criminal cases, shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in

attending the superior court, one way only, the sum of fourteen cents ($0.14) per mile.

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

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

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CHAPTER 1473

An act making an appropriation for the surveys, plans, estimates of cost, specifications and other engineering expenses for the construction of a toll bridge or other toll highway crossing of the Bay of San Francisco from the County of Marin to the County of Contra Costa.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.] In effect September 22, 1951

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

SECTION 1. The sum of seven hundred fifty thousand dollars ($750,000), or so much thereof as may be necessary, is hereby appropriated from the State Highway Fund for the surveys, plans, estimates of costs, specifications and other engineering expenses for the construction of a toll bridge or other toll highway crossing of the Bay of San Francisco from the County of Marin to the County of Contra Costa, including necessary approaches, to be expended through and upon authorization of the Department of Public Works. The California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, with interest thereon at the rate of one and one-half percent (1½%) per annum, to be computed on the total amount, withdrawn during any one year, to the State Highway Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of said bridge or other crossing under provisions of the California Toll Bridge Authority Act, Chapter 1, Division 17, of the Streets and Highways Code, as amended; provided, that in the event revenue bonds are not issued and sold for the construction of a toll bridge or other toll highway crossing any moneys expended hereunder for surveys, plans, estimates of costs, specifications or other engineering expenses shall be returned to the State Highway Fund in the State Treasury from the tolls and revenues of the existing San Francisco-Oakland Bay Bridge, but only after all revenue bonds issued and sold by the California Toll Bridge Authority for the construction of said bridge, or for the refunding of the indebtedness thereof, have been fully redeemed and paid and all other obligations of the bridge have been fully satisfied, including repayment to the State Highway Fund of all moneys appropriated by the Appropriation: Bridge studies

State and expended from the State Highway Fund for the acquisition and construction of the highway approaches leading to and upon such toll bridge at both the Alameda County and the San Francisco ends thereof, as provided by Section 30607 of the Streets and Highways Code. The California Toll Bridge Authority is hereby authorized to continue to fix and collect tolls on said bridge for the purpose of reimbursement of the State Highway Fund as may be required by this proviso. No money appropriated by this act shall be used until such time as approval of the application by the State of California for Department of Army permit for the construction of such bridge has been granted.

Reimbursement

CHAPTER 1474

An act to amend Sections 28119 and 28129 of the Government Code, relating to compensation for public service in counties.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

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

SECTION 1. Section 28119 of the Government Code is amended to read:

Solano County officers Salaries

28119. In a county of the nineteenth class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year for all services rendered including mileage and services as road commissioner. If required to go on business to any point outside of the county, he shall be allowed actual expenses.

(d) Trial jurors in the superior court, three dollars ($3) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents ($0.15) for each mile traveled in going only, payable only once in any three days.

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

SEC. 2. Section 28129 of said code is amended to read:

Kings County officers Salaries

28129. In a county of the twenty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor five thousand one hundred dollars ($5,100) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year The district attorney shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within such office

hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year in full for all services performed by him as supervisor, member of the board of equalization, road commissioner, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed six cents ($0.06) per mile.

(d) Grand jurors and trial jurors in the superior court, for each day's attendance, three dollars ($3). In justices' courts, the jurors sworn to try the case shall receive for each day's attendance two dollars ($2). Each juror shall receive mileage at the rate of six cents ($0.06) each way for every mile actually and necessarily traveled in attending court. In justices' courts mileage shall be allowed only to those sworn to try the case.

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

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1475

An act providing for the constitution of the municipal court in a district embracing the City of Salinas, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

Salinas municipal court

Salaries

SECTION 1. The municipal court established in a district embracing the City of Salinas shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge, who shall receive eight thousand dollars ($8,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk, who shall receive a minimum salary of three hundred eight dollars ($308) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19) and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380), monthly and who may appoint the following:

One deputy (principal clerk) who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19)

to a maximum of three hundred sixty-one dollars ($361) monthly;

Two deputies (senior account clerk and court clerk), each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred eight dollars ($308) monthly;

Two deputies (intermediate clerks), each of whom shall receive a minimum salary of two hundred five dollars ($205) monthly with annual increments of ten dollars ($10), eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred fifty-one dollars ($251) monthly.

(3) The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

Stats 1949, p 2681

CHAPTER 1476

An act providing for the constitution of the municipal court in a district embracing the Cities of Carmel and Monterey, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

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

Carmel and Monterey municipal court Salaries

SECTION 1. The municipal court established in a district embracing the Cities of Carmel and Monterey shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge, who shall receive eight thousand dollars ($8,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk, who shall receive a minimum salary of three hundred eight dollars ($308) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19) and nineteen dollars ($19) to a maximum of three hundred eighty dollars ($380) monthly and who may appoint the following:

One deputy (principal clerk) who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly;

Two deputies (senior account clerk and court clerk), each of whom shall receive a minimum salary of two hundred fifty-one dollars ($251) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred eight dollars ($308) monthly;

Two deputies (intermediate clerks), each of whom shall receive a minimum salary of two hundred five dollars ($205) monthly with annual increments of ten dollars ($10), eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred fifty-one dollars ($251) monthly.

(3) The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set. Stats. 1949, p. 2681

CHAPTER 1477

An act to amend Section 28155 of the Government Code, relating to compensation for public services in counties of the fifty-fifth class

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28155 of the Government Code is amended to read:

28155. In a county of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Trinity County officers Salaries

(a) The auditor, one thousand eight hundred dollars ($1,800) a year.

(b) The district attorney, three thousand six hundred dollars ($3,600) a year.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and mileage from his residence to the county seat at each sitting of the board, at twenty cents ($0.20) a mile.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In the justices' courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by

the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1478

An act authorizing and directing the Department of Public Works, acting through the State Engineer, to make an investigation of and report on the water supplies of the Putah Creek Cone and adjacent areas in the Counties of Solano and Yolo, and on the water supplies of the Lower and Western Kaweah Delta area in Kings and Tulare Counties, and making appropriation therefor.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

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

Putah Creek Cone Investigation

SECTION 1. The Department of Public Works, acting through the State Engineer, is authorized and directed to make an investigation of, and report upon, the surface and underground water supplies of the Putah Creek Cone and areas adjacent thereto, in the Counties of Solano and Yolo, including but not limited to the present utilization of water, future water requirements, possible sources of supplemental water supplies which may be necessary to meet present and ultimate requirements therefor, and the department may incorporate findings in such report as to feasible methods of solving the problems involved.

Lower and Western Kaweah Delta area investigation

SEC. 2. The Department of Public Works, acting through the State Engineer, is authorized and directed, to the extent that funds therefor are made available pursuant to the provisions of this act, to make an investigation of, and report upon, the surface and underground water supplies of the Lower and Western Kaweah Delta area in Kings and Tulare Counties and areas adjacent thereto, including but not limited to, the present utilization of water, future water requirements and possible sources of supplemental water supplies which may be necessary to meet present and ultimate requirements therefor, and the department may incorporate findings in such report as to feasible methods of solving the problems involved.

Appropriation

SEC. 3. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of one hundred thousand dollars ($100,000), fifty thousand dollars ($50,000) of which shall be available to the Department

of Public Works, acting through the State Engineer, for expenditure for the purpose of carrying out the objectives of Section 1 of this act, and fifty thousand dollars ($50,000) of which shall be available to the Department of Public Works, acting through the State Engineer, for expenditure for the purpose of carrying out the objectives of Section 2 of this act, when moneys have been made available for expenditure by the department for that purpose from sources other than the State Treasury or funds of any agency which is a part of the executive department of the State Government. If less than fifty thousand dollars ($50,000) is made available from sources other than the State Treasury, the department may expend said amount and an amount equal thereto from the money herein appropriated in carrying out the objectives of Section 2 of this act.

CHAPTER 1479

An act making an appropriation for the purchase of property adjacent to the campus of San Diego State College.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 13, 1951.]

In effect September 22, 1951

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

SECTION 1. The sum of sixty-two thousand five hundred dollars ($62,500) is hereby appropriated out of the General Fund, to the Department of Education to purchase during the 1951-52 Fiscal Year, subject to the Property Acquisition Act, approximately 25 acres of land lying immediately west of the stadium of San Diego State College as an addition to the campus of said college. When title to any land is acquired by the State pursuant to this act, the Department of Education shall deliver a copy of the instrument of conveyance thereof to the State Lands Commission.

Appropriation San Diego State College campus

Stats. 1944, (4th Ex. Sess.), p. 149

CHAPTER 1480

An act to amend Section 28150 of the Government Code, and Section 450 of the Education Code, relating to compensation for public services in counties of the fiftieth class.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28150 of the Government Code is amended to read:

28150. In a county of the fiftieth class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

Calaveras County officers' Salaries

(a) The auditor, one thousand nine hundred dollars ($1,900) a year.

(b) The district attorney, two thousand nine hundred dollars ($2,900) a year and necessary traveling expenses to be allowed by the board of supervisors.

(c) Each supervisor, two thousand four hundred dollars ($2,400) a year, in full payment for services as member of the board of supervisors, member of the board of equalization, and road commissioner, and twenty cents ($0.20) a mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county by order of the board on business connected with his office, not to exceed five hundred dollars ($500) a year in the aggregate for all members of the board.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) and twenty-five cents ($0.25) for each mile actually traveled one way as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

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

SEC. 2. Section 450 of the Education Code is amended to read:

Calaveras County superintendent of schools Salary

450. The annual salary of the county superintendent of schools of a county of the fiftieth class is five thousand four hundred dollars ($5,400), and if acting as a superintendent of a coterminous county unified school district the salary shall be five thousand seven hundred dollars ($5,700), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1481

An act to add Article 5, comprising Sections 116c to 116g, inclusive, to Chapter 5, Title 1, Part 1 of the Code of Civil Procedure, relating to establishing a uniform accounting system for municipal courts and justice courts, and making an appropriation.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Article 5, comprising Sections 116c to 116g, inclusive, is added to Chapter 5, Title 1, Part 1 of the Code of Civil Procedure, to read:

Article 5. Uniform Accounting System for Municipal Courts and Justice Courts

Uniform accounting system

116c. The State Controller shall establish, supervise, and as necessary from time to time modify a uniform accounting system, including a system of audit, for municipal courts and justice courts, to the end that all moneys received and disbursed by such courts shall be properly and uniformly accounted for.

Trust bank accounts

116d. Such system shall provide for trust bank accounts for each municipal or justice court, in which all moneys received by such court shall be deposited and from which all disbursements by such court shall be made, and for such records, reports, and procedures as the State Controller may deem necessary to carry out the purposes of this article.

Failure to keep accounts

116e. Every judge of a municipal court or justice court, or the clerk of any such court who wilfully fails to keep accounts in accordance with said system or to account for the moneys paid into and disbursed by his court in accordance with the system established by the State Controller pursuant to this article is guilty of a misdemeanor.

Penalty

Audit

116f. The accounts of each municipal court and justice court shall be audited at least once a year. The county auditor shall supply the State Controller with a certified copy of each such audit. If the accounts of any municipal or justice court are not audited annually, the State Controller shall audit such accounts.

Application

116g. This article shall supersede any existing provisions of law which are in conflict therewith.

Los Angeles County

116h. In counties having a population in excess of 2,000,000, the system established pursuant to this article may provide for the deposit of all moneys collected by municipal and justice courts in the county treasury and for disbursement therefrom and for the audit of such accounts by the county auditor.

Appropriation

SEC. 2. The sum of six thousand dollars ($6,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund in the State Treasury, to be expended during the 1951-52 Fiscal Year by the State Controller in establishing such uniform system in carrying out the provisions of this act.

CHAPTER 1482

An act to add Sections 12105.1 and 12105.2 to the Education Code, relating to applicants for certification documents authorizing service in the public schools.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 12105.1 is added to the Education Code, to read:

Application for life diploma, etc

12105.1. Each applicant for a life diploma or credential or for the renewal of a credential shall submit with his application, duplicate personal identification cards provided by the Department of Education upon which shall appear the legible fingerprints and a personal description of the applicant.

The State Board of Education is authorized to, and shall adopt such regulations as may in its judgment be necessary for the administration of this section.

SEC. 2. Section 12105.2 is added to said code, to read:

Investigation as to fitness, etc of applicant

12105.2. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma or a credential or for the renewal of a credential from any agency or department of the State and for that purpose, any provision of law to the contrary notwithstanding, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the State Board of Education, all information pertaining to any applicant of whom there is a record in its office.

CHAPTER 1483

An act to amend Section 2110 of the Streets and Highways Code, relating to apportionments to counties payable from the Highway Users Tax Fund.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

Apportionment among counties

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows:

(a) The first three hundred thousand dollars ($300,000) shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine,	.44 percent;
Amador,	.49 percent;
Calaveras,	1.65 percent;
El Dorado,	1.88 percent;
Inyo,	1.52 percent;
Lassen,	6.36 percent;
Los Angeles,	3.92 percent;
Mariposa,	.95 percent;
Modoc,	5.70 percent;
Mono,	3.08 percent;
Nevada,	7.82 percent;
Placer,	7.89 percent;
Plumas,	12.01 percent;
San Bernardino,	3.11 percent;

San Diego,	3.76	percent;
Shasta,	10.26	percent;
Sierra,	6.35	percent;
Siskiyou,	16.24	percent;
Tuolumne,	1.99	percent;
Yuba,	4.58	percent;

(b) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued.

Verified statement

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

CHAPTER 1484

An act to add Section 4901.7 to the Education Code, relating to the selection of members of the county committee on school district organization.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 4901.7 is added to the Education Code, to read:

Selection of successors to members of county committees

4901.7. Any provision to the contrary notwithstanding, the successors to members of a county committee composed of eleven (11) members, not less than two of whom reside in each supervisorial district of the county, may be selected and vacancies in membership of such county committees may be filled in the manner herein prescribed.

Not less than 15 days after a vacancy in membership occurs the county superintendent of schools having jurisdiction may call a special meeting of school trustees to be held within 30 days thereafter, for the purpose of electing a qualified elector residing in the supervisorial district of the person vacating the membership of the county committee. Each trustee of an elementary school district in such supervisorial district and each trustee of an elementary school district having an attendance center in such supervisorial district shall have one vote for the purpose of selecting a successor to fill such vacancy. The qualified elector of such supervisorial district receiving the highest number of votes cast by the school trustees qualified to vote at such meeting shall be declared elected to fill the vacancy and serve for the

balance of the unexpired term if a majority of such trustees are present.

For the purpose of selecting a successor to a member of such a county committee whose term expires, the county superintendent of schools having jurisdiction shall, upon written request of the chairman of the county committee, call a special meeting of school trustees, not later than 15 days before the annual meeting of the representatives of school trustees for the purpose of nominating qualified electors residing in the supervisorial district of the person whose term expires to membership of such county committee. Each trustee of an elementary school district in such supervisorial district and each trustee of an elementary school district having an attendance center in such supervisorial district shall have one vote for the purpose of nominating candidates for membership to such county committee. The two qualified electors, if more than one is nominated, receiving the highest number of votes cast by the school trustees qualified to vote at such meeting shall be declared nominated as candidates to succeed the member of the county committee whose term will expire, if a majority of such trustees are present.

The county superintendent of schools shall certify the name or names of the candidates nominated to the representatives of the school trustees at their annual meeting to elect successors to members of the county committee and the nominee so certified receiving the highest number of votes cast by the representatives of the school trustees shall be declared elected to membership of the county committee if a majority of the representatives are present.

CHAPTER 1485

An act to amend Sections 5050, 5081, 5082, 5083, 5084, and 5086 of, and to add Sections 5047.2, 5066.1, 5083.1, and 5084.1 to, the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 5050 of the Education Code is amended to read:

Final apportionment Limitations

5050. No apportionment to a school district shall become final unless: (a) The total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment

is made. At the time the board makes a conditional apportionment pursuant to Section 5048, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 5048 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district shall become final unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board of the district to accept, expend, and repay, as provided in this chapter, an apportionment under the provisions of this chapter. Such election shall be combined with and held at the same time as the bond election to authorize the amount of bonds required by the board, if any, and shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot, in addition to the bond proposition, shall contain substantially the following words:

"Shall the governing board of the _____ school district be authorized to accept and expend an apportionment in an amount not to exceed _____ dollars ($_____) from the State of California under and subject to the provisions of Chapter 1.6 of Division 3 of the Education Code which amount is subject to repayment as provided by said chapter? Yes _____ No _____."

SEC. 2. Section 5081 of said code is amended to read:

5081. (a) As used in this article:

(1) "State-aided district" means a district to which a conditional or final apportionment has been made under this chapter. "State-aided district"

(2) "Acquiring district" means a district in which all, or a part of, a state-aided district or an applicant district has been included. "Acquiring district"

(b) Except as otherwise provided in Section 5084, the effective date for the purposes of this article of any change of boundaries or annexation or other inclusion affecting a school district shall be the date such action became effective for the purposes of Section 1593. Operative date

SEC. 3. Section 5082 of said code is amended to read:

5082. Whenever, prior to the date on which a conditional apportionment is made by the board to an applicant district, (1) if an applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter, no apportionment shall be made to the applicant district; (2) if less than the whole of an applicant district is included in a district which is ineligible for an apportionment under this chapter, the board may reconsider Effect of annexation prior to conditional apportionment

the application of the applicant district and make such determinations and take such action with respect thereto, including the making, subject to Article 1 of this chapter, of a conditional apportionment to such district, as the board may deem necessary because of such inclusion of less than the whole of the applicant district in the acquiring district; (3) if an applicant district is annexed to or otherwise included in whole or in part in a district which is eligible for an apportionment under this chapter and has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter, of conditional apportionments to such districts, as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district in whole or in part.

SEC. 4. Section 5083 of said code is amended to read:

Effect of annexation after conditional apportionment

5083. Whenever, subsequent to the date on which a conditional apportionment is made by the board to an applicant district, but prior to the date on which said conditional apportionment becomes final, (1) if an applicant district is annexed to or otherwise included in whole in a district which is not eligible for an apportionment under this chapter, such conditional apportionment shall, notwithstanding any other provisions of this chapter, become void and the board shall promptly notify the State Controller in writing thereof and the date on which the apportionment became void; (2) if the district to which an applicant district is annexed or in which it is otherwise included in whole is eligible for an apportionment, has made or does make an application for such an apportionment under this chapter, the conditional apportionment made to the applicant district shall, notwithstanding any other provisions of this chapter, become void but the board may reconsider the application of the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter except as hereinafter provided, of additional conditional apportionments to the acquiring district, as the board may deem necessary as a result of such annexation or other inclusion in the acquiring district of the applicant district; (3) if less than the whole of an applicant district is included in another district, the conditional apportionment shall, notwithstanding any other provisions of this chapter, become void, but the board may reconsider the application and make such determinations and take such actions with respect thereto, including the making, subject to the provisions of Article 1 of this chapter except as hereinafter provided, of new conditional apportionments to the applicant district, as the board may deem necessary as a result of such inclusion of a portion of the applicant district in the acquiring district.

Notwithstanding anything in the first sentence of Section 5050 to the contrary, additional conditional apportionments

made to a district under (2), or new conditional apportionments made to a district under (3) of the first paragraph of this section may, with the approval of the board, become final if the total amount of the bonds of the district outstanding and unpaid is within ten thousand dollars ($10,000) of the amount required under Section 5050.

SEC. 5. Section 5084 of said code is amended to read:

Inclusion of state-aided district after apportionment is final

5084. Whenever, subsequent to the date on which a conditional apportionment made to a district becomes final, the state-aided district is included in whole in another district, the acquiring district shall, on the effective date of such inclusion, succeed to and be vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to said apportionment and the property acquired or to be acquired from funds provided thereby, and all funds in the Public School Building Fund of the state-aided district shall be transferred to the Public School Building Fund of the acquiring district. All amounts which would, after the effective date of such inclusion, have been otherwise paid to the state-aided district under the terms of or pursuant to said apportionment, shall be paid to the acquiring district. In addition, the acquiring district shall, on the effective date of the inclusion of the state-aided district in the acquiring district as fixed by Section 1591, become liable for the annual repayments and other payments due the State under Section 5057 and other provisions of this chapter with respect to said apportionment or the property acquired or to be acquired therewith.

SEC. 6. Section 5086 of said code is amended to read:

State-aided district Change of boundaries

5086. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 5054, 5055, 5056, and 5057; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion.

SEC. 7. Section 5047.2 is added to said code, to read:

Insurance

5047.2. The board may require school districts to insure for the benefit of the State all sites, equipment and buildings which are under Section 5047 the property of the State, against such risks and in such amounts as the board may deem necessary to protect the interests of the State. No state funds apportioned under this chapter shall be used to pay the premiums on said insurance.

SEC. 8. Section 5066.1 is added to said code, to read:

Transfer of funds

5066.1. The governing board of each school district to which an apportionment is made under this chapter is authorized to, and shall, transfer to the Public School Building Fund of the district from all other funds of the district in which such

moneys may be, all moneys of the district which under, or pursuant to, this chapter are required to be expended for the project for which such apportionment was made.

SEC. 9. Section 5083.1 is added to said code, to read:

Conditional apportionment Effect of annexation, etc

5083.1. Whenever, prior to the date on which conditional apportionments have been made to an applicant district for the full amount of state aid approved for the district under Section 5048.2, (1) if the applicant district is annexed to or otherwise included in whole in another district which is ineligible for an apportionment under this chapter, no further apportionment shall be made to the applicant district; (2) if the applicant district is annexed to or otherwise included in whole in a district which is eligible for an apportionment under this chapter and which has made or does make an application for such an apportionment, the board may reconsider the applications of the applicant district and the acquiring district and make such determinations and take such action with respect thereto, including the making, subject to the provisions of Article 1 of this chapter, of a conditional apportionment or apportionments to such acquiring district as the board may deem necessary because of such annexation or other inclusion in the acquiring district of the applicant district; (3) if a portion of the applicant district is annexed to or otherwise included in another district, the board may reconsider the application of the applicant district and may, within two years after the first apportionment made under said approval, make such additional apportionments as it sees fit to the applicant district, but not in excess of the amount in which such application was originally approved, without requiring the district to issue additional bonds.

SEC. 10. Section 5084.1 is added to said code, to read:

Inclusion of state-aided districts

5084.1. Whenever one or more state-aided districts are included in whole in an acquiring district, and the acquiring district applies for and receives an apportionment, then after the effective date of such inclusion and upon the approval of the application of the acquiring district, the governing board of each component state-aided district shall immediately transfer to the acquiring district all moneys of such component district which are required to be, or have been, earmarked for a project or projects of the district. The acquiring district, upon the transfer to it of such funds, may expend such funds for any projects of the acquiring district as to which its application was approved.

Urgency

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The administration of Chapter 1.6 of Division 3 of the Education Code providing state school building aid for school districts, has demonstrated that enactment of this measure is

necessary to the most efficient administration of the chapter and the avoidance of delays in making state school building aid available to school districts.

In order that the school districts entitled to state school building aid may benefit from the provisions of this act at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 1486

An act to add Section 429.8 to the Fish and Game Code, relating to the taking of fish by members of the Yurok Indian Tribe.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 429.8 is added to the Fish and Game Code, to read:

Taking of fish by members of Yurok Indian Tribe

429.8. Notwithstanding any other provision of this code, California Indians who are bona fide registered members of the Yurok Indian Tribe may take fish, for subsistence purposes only, from the Klamath River between the mouth of said river and the junction of Tectah Creek with said river, exclusive of tributaries, without regard to seasons, under the following conditions:

(a) Upon application therefor, the department shall issue to any Yurok Indian who is listed on the register of the Yurok Tribal Organization, as furnished to the department, a renewable, nontransferable permit to take fish pursuant to this section for a period of one calendar year. Any Indian of the Yurok tribe while taking fish pursuant to this section shall have upon his person such valid permit and shall display it upon the request of any duly authorized officer.

(b) Hand dip nets, and hook and line only may be used for taking fish pursuant to this section.

(c) Pursuant to this section not more than three trout or salmon or combination thereof, or more than one sturgeon, may be taken in any one day. There is no bag limit on any other fish.

(d) No Yurok Indian while fishing pursuant to this section may be accompanied by any person who does not possess a valid permit as prescribed by this section. It shall be unlawful for any person who does not hold such permit to accompany any Yurok Indian who is taking fish pursuant to this section.

(e) The sale of any fish taken under the provisions of this section shall constitute cause for permanent revocation by the commission of the permit held by the person making the sale.

CHAPTER 1487

An act to amend Section 439 of the Education Code, relating to school superintendents' salaries.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 439 of the Education Code is amended to read:

Nevada County superintendent of schools Salary

439. The annual salary of the county superintendent of schools of a county of the thirty-ninth class is five thousand dollars ($5,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1488

An act to amend Section 117g of the Code of Civil Procedure, relating to judgments against one or more defendants, the action to proceed against other defendants, in small claims courts.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 117g of the Code of Civil Procedure is hereby amended to read as follows:

Procedure in small claims court

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

CHAPTER 1489

An act to amend Section 2070 of the Insurance Code, relating to standard form fire insurance policies.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 2070 of the Insurance Code is amended to read:

Form of fire policies

2070. All fire policies on subject matter in California shall be on the standard form, and, except as provided by this

article shall not contain additions thereto. No part of the standard form shall be omitted therefrom except that any policy which in addition to coverage against the peril of fire includes substantial coverage against other perils on an unspecified basis need not comply with the provisions of the standard form fire insurance policy; provided, such policy with respect to the peril of fire insurance shall include provisions which are the substantial equivalent of the provisions of such standard form fire insurance policy.

Application

SEC. 2. Nothing in this act shall in any way change the applicability of the McBride-Grunsky Insurance Regulatory Act of 1947, Chapter 9, Part 2, Division 1 of the Insurance Code, to such policies and to the coverage therein provided.

CHAPTER 1490

An act to amend Section 685 of the Agricultural Code, relating to milk.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 685 of the Agricultural Code is amended to read:

Milk grading tests

685. No person shall fraudulently manipulate the measure, weight or test used for determining the grade or quality of milk, cream or fluid derivatives thereof, nor the test used for determining the percentage of milk fat in milk, cream or fluid derivatives thereof, nor overread or underread any such test, nor take an unfair sample of milk, cream or any fluid derivatives thereof on which the grade, quality or amount of milk fat therein is to be determined, nor fraudulently manipulate any such sample, or the records of any measurement, weight, test, or combination thereof. A permanent record in duplicate of all tests of milk or cream or fluid derivatives thereof purchased, received, or sold on the basis of the amount of milk fat contained therein, must be made by a licensed tester on standard forms supplied by, or in accordance with the specifications for such records adopted by, the department. Each test shall be legibly recorded with indelible pencil or ink in such a manner as to correctly identify the test obtained upon the milk or cream or fluid derivatives thereof. Each sheet or page shall be authenticated by the signature of the licensed tester, and a duplicate record shall be deposited by the licensed tester immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver or seller of milk or cream or fluid derivatives thereof, as the case may be, said box to be constructed, sealed and maintained in accordance with the rules and regulations of the director. The original record shall be immediately delivered to the purchaser or receiver or seller of said milk or cream or fluid derivatives thereof, to be retained by him for at least three months. The licensed tester shall retain an unmodified sample of all milk or cream or

fluid derivatives thereof tested by him for not less than 48 hours after tests of said milk or cream have been made and said purchaser or receiver or seller of milk or cream or fluid derivatives thereof shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the department. Payment for milk or cream or fluid derivatives thereof shall be made on the basis of weight and the percentage of the milk fat contained therein, as determined by samples taken from each lot of said milk or cream or fluid derivatives thereof upon delivery. Should the director find, after investigation by him, that facilities are not available for weighing and testing, upon request of the parties he may issue a written permit authorizing the purchase and sale of milk or cream or fluid derivatives thereof upon a gallonage basis. Nothing in this section prohibits weighing and sampling on a route, or the use of composite samples of milk, or the purchase and sale of market milk obtained from goats on a gallonage basis without the permit provided for in this section.

CHAPTER 1491

An act to amend Section 1038 and to repeal Section 1039 of the Fish and Game Code, relating to fish.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 1038 of the Fish and Game Code is amended to read:

Domesticated fish

1038. Domesticated fish propagated and raised in this State under the license granted in accordance with the provisions of this article or lawfully reared and imported into this State may be transported or sold when not alive, during the period for which the license was issued if originating within this State, if duly tagged or packaged according to the rules and regulations prescribed by the commission. Tags shall be of such type as prescribed by the department and shall be sold by the department to the applicants at cost plus handling charges, as determined by the commission.

Repeal

SEC. 2. Section 1039 of said code is repealed.

CHAPTER 1492

An act making an appropriation for support of the California School for the Blind.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

Appropriation: California School for the Blind

SECTION 1. Out of any money in the General Fund the sum of six thousand dollars ($6,000) is hereby appropriated for

the support of the California School for the Blind, in augmentation of Item 91 of the Budget Act of 1951, to be expended during the 1951-1952 Fiscal Year to pay the salaries of visiting teachers for blind children of preschool age employed pursuant to Section 20975 of the Education Code.

CHAPTER 1493

An act to amend Section 50¾ of, and to add Section 52.1 to, the Public Utilities Act, and to amend Section 1066 of, and to add Section 816.5 to, the Public Utilities Code, relating to public utilities.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 50¾ of the Public Utilities Act is amended to read:

Sec. 50¾. (a) No highway common carrier, or petroleum irregular route carrier, shall hereafter operate or cause to be operated any auto truck, or other self-propelled vehicle not operated on rails, for the transportation of property as a common carrier for compensation on any public highway in this State except in accordance with the provisions of this act.

Prohibited acts

(b) The Railroad Commission of the State of California is hereby vested with power and authority to supervise and regulate every highway common carrier and petroleum irregular route carrier in this State; to fix the rates, fares, charges, classifications, rules and regulations of each such highway common carrier and petroleum irregular route carrier; to regulate the accounts, service and safety of operations of each such highway common carrier and petroleum irregular route carrier, to require the filing of annual and other reports and of other data by such highway common carriers and petroleum irregular route carriers; and to supervise and regulate highway common carriers and petroleum irregular route carriers in all other matters affecting the relationship between such carriers and the shipping public. The Railroad Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations applicable to any and all highway common carriers and petroleum irregular route carriers. The Railroad Commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this act, shall have power and authority to make orders and to prescribe rules and regulations affecting highway common carriers and petroleum irregular route carriers, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulations and any such ordinance or permit,

Power of Railroad Commission

the order, rule or regulation of the Railroad Commission shall in each instance prevail.

Certificate of convenience and necessity

(c) No highway common carrier, or petroleum irregular route carrier, shall hereafter begin to operate any auto truck, or other self-propelled vehicle, for the transportation of property for compensation on any public highway in this State without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or for operations exclusively within the limits of an incorporated city, town or city and county, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point. Any right, privilege, franchise, or permit held, owned or obtained by any highway common carrier, or petroleum irregular route carrier, may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Railroad Commission. The Railroad Commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Without the express approval of the commission, no certificate of public convenience and necessity issued to one highway common carrier, or petroleum irregular route carrier, under the provisions of this section, or heretofore issued by the commission to one highway common carrier, or petroleum irregular route carrier, for the transportation of property by auto truck or self-propelled vehicle, nor any operative right of one highway common carrier, or petroleum irregular route carrier, founded upon operations actually conducted in good faith on July 26, 1917, shall be combined, united or consolidated with another such certificate or operative right issued to or possessed by another highway common carrier, or petroleum irregular route carrier, so as to permit through service between any point or points served by one highway common carrier, or petroleum irregular route carrier, on the one hand, and any point or points served, by another highway common carrier, or petroleum irregular route carrier, on the other hand; nor, without the express approval of the commission, shall any through route or joint, through, combination, or proportional rate, be established by one highway common carrier, or petroleum irregular route carrier, between any point or points which it serves, on the one hand, and any point or points served by another highway com-

mon carrier, or petroleum irregular route carrier, on the other hand. Unless prohibited by the terms and conditions of any certificate that may be involved, any one highway common carrier, or petroleum irregular route carrier, may establish through routes and joint rates, charges, and classifications between any and all points served by such highway common carrier, or petroleum irregular route carrier, under any and all certificates or operative rights issued to or possessed by such highway common carrier, or petroleum irregular route carrier.

Same

No petroleum irregular route carrier shall engage in any operation on any public highway in this State unless there is in force, with respect to such carrier, a certificate of public convenience and necessity issued by the Railroad Commission, authorizing such operations; provided, however, if any such petroleum irregular route carrier was, on September 1, 1949, and thereafter, operating, under a permit issued by the Railroad Commission, as a radial highway common carrier (as the term "radial highway common carrier" is defined in Chapter 223, Statutes of 1935 as amended), and shall file with the Railroad Commission, within one hundred eighty (180) days after this section shall take effect, an application as provided herein, the Railroad Commission shall issue such certificate without further proceedings, and such certificate shall authorize such carrier to engage in such operations as such carrier was authorized to conduct on September 1, 1949, pending the issuance of such certificate. Pursuant to filing of such application, the continuance of such operation shall be lawful. Any person or corporation not included within the foregoing provisions of this paragraph who, or which, when this section takes effect, is lawfully engaged in transportation as a petroleum irregular route carrier, may continue such operation for a period of one hundred eighty (180) days thereafter without a certificate; and if application for such certificate hereunder is made to the Railroad Commission within such period, the carrier may, under such regulations as the Railroad Commission shall prescribe, continue such operation until otherwise ordered by the Railroad Commission. Application for certificates shall be made in writing to the Railroad Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Railroad Commission shall require.

Suspension, etc., of operating right or certificate

The Railroad Commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, as aforesaid, or to the grantee of any certificate, and opportunity to be heard, revoke, alter or amend any such operative right or certificate.

Operation without certificate

(d) When a complaint has been filed with the commission alleging that any vehicle is being operated without a certificate of public convenience and necessity, as required by this act, or when the commission has reason to believe that this act is being violated, it shall be the duty of the commission to investigate

such operations and the commission shall have power, after a hearing, to make its order requiring the owner or operator of such vehicle to cease and desist from any operation in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in the commission by this act or by law.

Intent

(e) It is hereby declared to be the legislative intent that the provisions of this section relating to the transportation of petroleum or of petroleum products in any tank-truck or trailer for compensation over any public highway in this State is a highly specialized type of truck transportation and that the provisions of this section have been enacted for the limited purpose of providing necessary regulation for said specialized type of truck transportation only, and are not to be construed for any purpose as a precedent for the extension of such regulation to any other type of truck transportation not presently so restricted.

SEC. 2. Section 52.1 is added to said act, to read:

Construction of provisions

Sec. 52.1. Nothing contained in Section 52 shall be construed to require a highway common carrier or a petroleum irregular route carrier to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle equipment or any chattel mortgage on motor vehicle equipment securing the payment of all or any part of the purchase price of such motor vehicle equipment.

NOTE: The sections of the Public Utilities Code affected by this chapter appear in their proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

Effect Stats 1951, Ch. 764

SEC. 5. Sections 3 and 4 of this act become operative only if Division 1 of the Public Utilities Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 1 takes effect, at which time Sections 1 and 2 of this act are repealed.

CHAPTER 1494

An act to amend Section 667 of the Elections Code, and Section 6580 of the Health and Safety Code, relating to elections.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 667 of the Elections Code is amended to read:

Notice of appointment as election officer

667. Upon filing in his office a list of the names and addresses of those who have been appointed election officers the county clerk, on behalf of the election board and in the name of the election board, immediately shall mail or deliver to each voter appointed a notice that he has been appointed, stating the position to which he has been assigned, and the penalty for

failure to serve, and any other matter as the county clerk determines.

SEC. 2. Section 6580 of the Health and Safety Code is amended to read:

6580. All elections of officers, after the formation of the district shall be held on the first Monday after the second Tuesday in September. Election date

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CHAPTER 1495

An act to amend Sections 203, 204, 204a, 206, 226, 227, 230, 231, 233, 248, and 250 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.] In effect September 22, 1951

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

SECTION 1. Section 203 of the Code of Civil Procedure is amended to read:

203. In the month of January of each year, it shall be the duty of each municipal court, except as hereinafter otherwise provided, to make an order designating the estimated number of trial jurors that will, in the opinion of said court, be required for the transaction of the business of said court and the trial of causes therein during the ensuing year, which year shall commence on the first day of February next succeeding the date of the last order, or until new lists of jurors shall be provided, and the selection and listing of such jurors shall be made of men and women suitable and competent to serve as such jurors. Jurors in municipal courts shall be drawn and summoned in the manner provided in this chapter for the drawing and summoning of trial jurors in the superior court, insofar as such provisions are applicable in their nature to municipal courts, and the powers, duties and functions with respect thereto of the superior court, the judge or a majority of the judges thereof, of the county clerk or of the clerk of the superior court, and of the sheriff, as in this chapter provided, shall be severally vested in, imposed upon and exercised by the municipal court, the judge or a majority of the judges thereof, the clerk of the municipal court and the marshal thereof; provided, however, that when there is more than one judge of such municipal court, a majority of the judges thereof shall submit the names of such jurors, and the qualifications and exemptions of jurors in the municipal court shall be the same as of jurors in the superior court, except that the persons so selected as jurors must be residents of the judicial district or city and county in which such municipal court is established; provided further, that when a session of the municipal court is held in any district of the county wherein a justice court is established, the persons selected as jurors shall be selected in the manner provided for the justice court; and provided further, that whenever the Municipal court jurors Selection

judge or judges of any municipal court shall by order entered upon the minutes of the court, determine that the transaction of the business of such municipal court and the trial of causes therein does not require the selection of trial jurors in the manner herein specified, jurors in such municipal court shall be selected in the manner provided by law for the selection of jurors in courts not of record.

SEC. 2. Section 204 of the Code of Civil Procedure is amended to read:

Jury lists

204. In the month of January in each year it shall be the duty of the superior court in each of the counties of this State to make an order designating the estimated number of grand jurors and also the number of trial jurors, that will, in the opinion of said court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the court shall select and list the grand jurors required by said order to serve as grand jurors in said superior court during the ensuing year, or until new lists of jurors shall be provided, and said selections and listings shall be made of men and women suitable and competent to serve as jurors, as set forth and required in Sections 205 and 206 of this code, which list of persons so selected shall at once be placed in the possession of the county clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the board of supervisors shall select, as provided in Sections 205 and 206 of this code, a list of men and women to serve as trial jurors in the superior court of said county during the ensuing year, or until a new list of jurors shall be provided.

Particular counties

In counties and cities and counties having a population of 80,000 inhabitants or over, such selection shall be made by a majority of the judges of the superior court; provided further, that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, it shall be the duty of the judge presiding in each such respective session, to make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of said session of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and it shall also be the duty of said judge to make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing within the judicial district within which said city is located.

Same

Provided further, that in counties and cities and counties having a population of 300,000 inhabitants or over, such order designating the number of trial jurors, and such selections and listings of men and women suitable and competent to serve as trial jurors, shall be made by a majority of the judges of the superior court and shall be made in the months of January and July of each year.

SEC. 3. Section 206 of the Code of Civil Procedure is amended to read:

206. The lists of jurors, to be made in counties of the first class, shall contain the number of persons which shall have been designated by the court in its order. The names for such lists shall be selected from the different wards or judicial districts of the respective counties in proportion to the number of inhabitants therein, as nearly as the same can be estimated by the persons making said lists; and said lists shall be kept separate and distinct one from the other; provided further, that in counties of the first class, where sessions of the superior court are held in cities therein, other than the county seat, the names for such lists to serve in said city shall all be selected from the district in which said city is located; and provided further, that no names from said district shall be selected to serve as trial jurors for any other part of the county. List of jurors for Los Angeles County

SEC. 4. Section 226 of the Code of Civil Procedure is amended to read:

226. Whenever jurors are not drawn or summoned to attend any court of record or session thereof, or a sufficient number of jurors fail to appear, such court may order a sufficient number to be forthwith drawn and summoned to attend the court, or it may by an order entered in its minutes, direct the sheriff, or marshal, or an elisor chosen by the court, forthwith to summon so many good and lawful persons to serve as jurors, as may be required, and in either case such jurors must be summoned in the manner provided in the preceding section. In the superior court the persons so summoned must be residents of the county or city and county; in the municipal court, residents of the judicial district, or city and county, in which such court is established, except that, when a session of the municipal court is held in any district of the county wherein a justice court is established, the persons selected as jurors shall be selected in the manner provided for the justice court. Additional jurors

SEC. 5. Section 227 of the Code of Civil Procedure is amended to read:

227. When there are not competent jurors enough present to form a panel the court may direct the sheriff, or marshal, or an elisor chosen by the court, to summon a sufficient number of persons having the qualifications of jurors to complete the panel, in superior courts from the body of the county, or city and county, in municipal courts from the body of the judicial district, or city and county, and not, in either case, from the bystanders; provided, that, when a session of the municipal court is held in any district of the county wherein a justice court is established, the persons selected as jurors shall be selected in the manner provided for the justice court, and not from the bystanders. The sheriff, marshal, or elisor shall summon the number so ordered accordingly and return the names to the court. Same

SEC. 6. Section 230 of the Code of Civil Procedure is amended to read:

Jurors for justice courts

230. When jurors are required in any of the justice courts, they shall, upon order of the judge, or any one of the judges where there is more than one, be summoned by the sheriff, constable, marshal, or policeman of the jurisdiction.

SEC. 7. Section 231 of the Code of Civil Procedure is amended to read:

Notification to jurors

231. Such jurors must be summoned from the list of persons prepared, as hereinafter stated, by notifying each orally that he is summoned and of the time and place at which his attendance is required, or by leaving a written notice to that effect at his place of residence with some person of proper age, or by mailing such notices by registered mail.

Estimate of jurors required

In the month of January in each year it shall be the duty of each justice court to make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the ensuing year. Any such court may make additional orders during the year designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the balance of the year, or a portion thereof. Immediately after said order is made, the county clerk of the county in which said court is held shall select a list of men and women to serve as trial jurors in such court during the ensuing year, or until a new list of trial jurors shall be provided.

Persons to be selected

The selections and lists shall be made of persons suitable and competent to serve as jurors resident respectively in the judicial district in which the court is established, and in making such selections the county clerk shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, are not infirm or decrepit, of fair character and approved integrity, and of sound judgment. A list of the persons selected to serve as trial jurors in each such court, certified by the county clerk, shall at once be placed in the possession of and filed with such court. The persons whose names are so returned shall be known as regular jurors and shall serve for one year and until other persons are selected and returned.

Summoning of trial jurors

Whenever the business of such court shall require the attendance of a trial jury, the judge of the court, or any one of the judges, when there is more than one, may make an order directing the sheriff, constable, marshal, or policeman of the jurisdiction to summon trial jurors, as hereinabove provided.

Same

Whenever, after all the persons whose names appear upon the list of jurors of such a court, have been summoned, and there is not a sufficient number of competent jurors present, the court, or judge thereof, may direct the sheriff, constable, mar-

shal, or policeman of the jurisdiction, to summon a sufficient number of persons having the qualifications of jurors from the body of the judicial district, or if these sources do not produce a sufficient number, county in which such court is established.

SEC. 8. Section 233 of the Code of Civil Procedure is amended to read:

233. Jurors' fees, for attending justice courts shall be, for each juror sworn, three dollars ($3) per day. In addition, each juror attending a justice court shall be entitled to fifteen cents ($0.15) per mile, for each mile actually traveled in attending as a juror, in going only, together with meals and lodging Fees, etc

SEC. 9. Section 248 of the Code of Civil Procedure is amended to read:

248. In any county or city and county, having two or more judges of the superior court, or in any judicial district, or city and county, in which a municipal court having two or more judges is established, a separate panel of jurors may be drawn, summoned and impaneled for each judge, or any one panel may be drawn, summoned and impaneled by any one of the judges, for use in the trial of cases before any two or more of the judges, as occasion may require. In such counties, judicial districts, or cities and counties, when a panel of jurors is in attendance for service before one or more of the judges, whether impaneled for common use or not, the whole or any number of the jurors from such panel may be required to attend and serve in the trial of cases, or to complete a panel, or jury, before any other of the judges. If one of the judges has a separate panel of jurors, no part thereof shall, without his consent, be taken to serve before another judge. Separate panels of jurors

SEC. 10. Section 250 of the Code of Civil Procedure is amended to read:

250. At the time appointed for a jury trial in justice courts, the list of jurors summoned must be called, and the names of those attending and not excused must be written upon separate slips of paper, folded so as to conceal the names, and placed in a box, from which the trial jury must be drawn. Proceedings informing jury

SEC. 11. The provisions of this act shall not become operative before January 1, 1952, and the provisions thereof do not affect any municipal, justice's, police or city court which continues to exist as presently organized or any judge, justice, officer or employee of such court, but such courts and judges, justices, officers and employees shall be governed until January 5, 1953 by the same laws and with the same force as if this act had not been enacted; and those laws are hereby expressly continued in force and effect, and the text thereof preserved, for such courts and judges, justices, officers and employees until January 5, 1953. Operative date

CHAPTER 1496

An act to authorize the improvement of certain streets abutting the campus of the San Francisco State College.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

Improvement of street abutting on San Francisco State College

SECTION 1. The Department of Public Works is authorized to construct and improve, or cause to be constructed and improved, by grading, paving, and installation of curbs, gutters, sidewalks, storm drains, catch basins, and appurtenant lighting facilities, the area between the center line of, and the northeasterly boundary of, that portion of Font Boulevard in the City and County of San Francisco abutting the campus of the San Francisco State College.

CHAPTER 1497

An act to add Section 261a.7 to the Code of Civil Procedure, relating to reporters for superior courts.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 261a.7 is added to the Code of Civil Procedure, to read:

San Bernardino County superior court reporters

261a.7. In each county or city and county, having a population of 280,000 or over and less than 285,000 inhabitants, as determined by the federal census taken in 1950, the judges of the superior court in and for such county, or city and county, a majority concurring, to assist the court in the transaction of the judicial business of said court, by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring.

Pro tempore reporters

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the

presiding judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

Salary of official reporters

Each of said regular official reporters shall be paid a salary of six thousand dollars ($6,000) per annum, and each of said pro tempore official reporters shall be paid twenty dollars ($20) per day for the days he actually is on duty under order of the court.

Fees

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case.

Payment of salaries

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited.

Additional fees

In addition to a fee or fees required by any other law or laws, a fee of three dollars ($3) shall be paid to the county clerk of such a county, or city and county, by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 of the Government Code requires such party or parties to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Sections 26822 to 26825, inclusive, of the Government Code require such party or parties to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 of the Government Code requires such party or parties to pay said clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of three dollars ($3) as in this section provided.

(4) Where Section 26827 of the Government Code requires such party or parties to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code.

The fee provided in this section shall not be required of any party who is exempted from the payment of costs by any statute other than Section 6103 of the Government Code.

Transmittal of money

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county.

CHAPTER 1498

An act to amend Section 61.6 of the Code of Civil Procedure, relating to the salary of the clerk of each district court of appeal.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 61.6 of the Code of Civil Procedure is amended to read:

District court of appeal clerks Salaries

61 6. Each district court of appeal may appoint and employ a clerk at a salary per month within the following range: five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), and nine hundred dollars ($900).

CHAPTER 1499

An act to amend Section 118 of the Welfare and Institutions Code, relating to public assistance in respect to compilation or possession of lists of recipients thereof.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 118 of the Welfare and Institutions Code is amended to read:

Records, etc., re recipients of public assistance

118. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public assistance for which grants in aid are received

by this State from the United States Government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such provision of this code.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving any such public assistance. Except for purposes directly connected with the administration of such public assistance, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this section is a misdemeanor. Penalty

The State Department of Social Welfare may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the public assistance laws. The rules and regulations shall be binding on all departments, officials and employees of the State, or of any political subdivision of the State and may provide for giving information to or exchanging information with public agencies or private social welfare or health agencies for their use in relation to cases in which such agencies, as a part of their usual duties, are making social investigations for the purpose of rendering social services, and for making case records available for research purposes provided that such research will not result in the disclosure of the identity of applicants for public assistance. Rules and regulations

Any person, including every public officer and employee, who knowingly secures, or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public assistance for which state assistance is made available to the counties of the State, including but not limited to aid to the aged, aid to needy children, aid to needy blind, and aid to partially self-supporting blind residents, is guilty of a misdemeanor. Penalty

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CHAPTER 1500

An act relating to protection of quality of underground waters, and making an appropriation.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.] In effect September 22, 1951

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

SECTION 1. The sum of seven hundred fifty thousand dollars ($750,000) is hereby appropriated out of any money not otherwise appropriated in the Postwar Unemployment and Construction Fund, or, in the event that such amount of money is not available therefrom, then to the extent not so available out of any money not otherwise appropriated in the General Fund, to the State Water Resources Board for investigational Appropriation Protection of underground waters

work and study with the objective of formulating plans and design criteria for correction or prevention of damage to underground waters of the State by sea water intrusion in the West Coast Basin of Los Angeles County and other critical coastal areas. The cost of such investigation and study shall include the cost of providing water, water injection wells, observation wells, water spreading grounds, pipelines, equipment, rights of way, and other facilities necessary to introduce water into the water bearing aquifers. The board is authorized to cooperate and contract with the Los Angeles County Flood Control District, the West Basin Municipal Water District, and any other public or private corporation or agency for the purpose of this act.

CHAPTER 1501

An act to add Section 4665.5 to the Health and Safety Code, relating to the financing of sanitation and sewerage systems.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 4665.5 is added to the Health and Safety Code, to read:

Taxes, etc., for use of facilities

4665.5. As an alternate or supplemental method of raising the money to carry out the provisions of this chapter the board of supervisors may fix and collect use taxes, fees, tolls or charges for the use of facilities or lines maintained or operated by the district sufficient in amount to pay for the expenses, or a portion thereof, of the district in maintaining, operating, and repairing any works, lines, or improvements of the district and to defray all other expenses incidental to the exercise of any of the district's powers, including a sufficient amount of money, or a portion thereof, to pay to any city whose sewers shall be connected with pursuant to this chapter, the amount fixed as charges for the privilege of connecting with the city sewerage system or having the city maintain the sewer lines in the streets and public easements.

CHAPTER 1502

An act to add Section 5083.2 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 5083.2 is added to the Education Code, to read:

Apportionment to acquiring district

5083.2. Notwithstanding, and in lieu of, any provisions of this chapter to the contrary, excepting Section 5051, if during the Fiscal Year 1950-1951, or any subsequent fiscal year, a conditional apportionment is or has been made to a district, hereinafter referred to as the original district, and if the original district (1) holds or has held all elections required by Section 5050, and (2) before such apportionment becomes final is or has been annexed to or included in whole in another district, hereinafter referred to as the acquiring district, which had prior thereto received its first final apportionment under this chapter during the same fiscal year, and (3) after such inclusion or annexation sells or has sold the bonds authorized by the aforesaid elections, the board may approve any application by the governing board of the acquiring district and make an apportionment, or apportionments, for any project for which the original district would have been eligible under this chapter had such inclusion not taken place. No apportionment shall be made to the acquiring district under this section unless the proceeds of the bonds which the board required the original district to sell are available for and will be contributed toward the cost of the approved project Any apportionment made to the acquiring district under this section shall become final when made.

The computations provided in Sections 5054, 5055, 5056, and 5057 with respect to apportionments made under this section shall be made exactly as though the acquiring school district was comprised only of the original school district.

Taxation Limitation

Any rate or amount of tax levied pursuant to or under the authority of Sections 5063, 6353, 6357, or any other provision of law, for the purpose of producing the amount or any part thereof deducted by the State Controller with respect to apportionments made under this section, during any fiscal year under Sections 5058 and 5059 from apportionments to the acquiring district from the State School Fund shall be levied only on property in the original school district.

Urgency

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

Under the existing law, a school district which has received a conditional apportionment for state school building aid loses such apportionment if the district is annexed to another school district, and a new apportionment can be made only if the acquiring district is eligible or becomes eligible for such an apportionment. This provision has resulted in undue hardship where the acquiring district has recently held the necessary elections and issued bonds in order to receive an apportionment for its own needs but must immediately hold additional elections to incur additional bonded indebtedness and agree to repay a larger state loan in order to receive such aid for the pupils residing in the annexed area. In order that the welfare of the

pupils in the annexed area may not be jeopardized by such annexation, and to permit state aid to be made available to such pupils at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1503

An act making an additional appropriation for support of the Division of Forestry, Department of Natural Resources, to enable it to provide brush-burning fire protection service and to assist in range improvement programs, to take effect immediately.

In effect immediately

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

Appropriation Division of Forestry

SECTION 1. The sum of forty-one thousand dollars ($41,000) is hereby appropriated from the General Fund in the State Treasury for additional support of the Division of Forestry, Department of Natural Resources, in augmentation of Item 191 of the Budget Act of 1951.

Purpose

SEC. 2. The purpose of this act is to enable the Division of Forestry to provide for additional fire protection for lands which may be endangered by brush-burning projects and to provide advisory services to ranchers on their range improvement projects, including the employment and equipping of two special stand-by fire protection crews during the period of the year when brush-burning projects can be conducted, and the employment and equipping of two full time range advisory technicians to be assigned to the division's central coast and Southern California districts.

Current expenses

SEC. 3. This act makes an appropriation for usual current expenses and shall therefore take effect immediately.

CHAPTER 1504

An act to amend Sections 14479, 14632, and 14635 of the Education Code, relating to the State Teachers' Retirement System.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 14479 of the Education Code is amended to read:

Rates of annuity fund contributions; Basis

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

later time as the member first is required to make annuity contributions, and shall be such as, when applied to the salary of the member, not counting so much thereof as exceeds three thousand dollars ($3,000) for each school year prior to July 1, 1947, and five thousand dollars ($5,000) for each school year after June 30, 1947, and prior to July 1, 1952, and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system, will produce contributions which will provide, on the average, an annuity at age 60 equal to approximately one-half of the benefit specified in Section 14635 to be derived from the Retirement Annuity Fund for service rendered after July 1, 1944, as determined by recognized actuarial methods. The increased rates of contribution required by the reduction of the age at which the annuity is to be provided, shall be applied to the salary of the member not to exceed the maximum herein provided, for each school year after June 30, 1950. No adjustment shall be included in said increased rates for time prior to July 1, 1950.

SEC. 2. Section 14632 of said code is amended to read:

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

(a) Subject to the next sentence, a retirement salary derived from the Permanent Fund, payable monthly in an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years. If retirement is at an age less than 60 years and with credit for less than 30 years of service, a member shall receive a retirement salary actuarially equivalent to the value at the lesser age of the retirement salary calculated under the preceding sentence, on the basis of service credited at the effective date of retirement, deferred to the age of 60 years. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the salary earned by him in service rendered by him after July 1, 1944, not counting so much of such salary as exceeds three thousand dollars ($3,000) for each school year prior to July 1, 1947, and five thousand dollars ($5,000) for each school year after June 30, 1947, and prior to July 1, 1952, and not counting any salary earned in service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14635.

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

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

Such retirement allowance, prior to modification under options in Section 14637, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of salary earned after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions.

SEC. 3. Section 14635 of said code is amended to read:

Service rendered after July 1, 1944

14635. Upon retirement for service at the age of 60 years a member shall receive an annual annuity equal to one dollar and twenty-five cents ($1.25) for each one hundred dollars ($100) of salary earned by him in service rendered after July 1, 1944, not counting so much of such salary as exceeds three thousand dollars ($3,000) for each school year prior to July 1, 1947, and five thousand dollars ($5,000) after June 30, 1947, and prior to July 1, 1952; and not counting any salary earned in service for which the member is entitled to retirement benefits from a local retirement system. Upon retirement at an age less than 60 years, a member shall receive the actuarial equivalent of the value at the lesser age of the annual annuity which he would receive at the age of 60 years, on the basis of salary earned up to the effective date of his retirement deferred to the age of 60 years.

CHAPTER 1505

An act to add Section 48.5 to the Fish and Game Code, relating to access to public hunting and fishing grounds.

In effect September 22, 1951

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

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

SECTION 1. Section 48.5 is added to the Fish and Game Code, to read:

Acquisition of rights of way

48.5. The department is hereby vested with the power to obtain for the State of California rights of way over private lands for the purpose of furnishing access for the public to lands or waters open to public hunting or fishing whenever such rights of way are determined by the commission to be necessary for such public use. Such rights of way shall not be acquired by eminent domain proceedings.

The department may construct or cause to be constructed such fences, signs and other structures as are necessary for the protection of any such right of way and the cost of the same shall be met out of the Fish and Game Preservation Fund or other funds available to the department.

CHAPTER 1506

An act to amend Section 11714 of the Health and Safety Code, relating to narcotics.

[Approved by Governor July 12, 1951. Filed with Secretary of State July 14, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 11714 of the Health and Safety Code is amended to read:

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any narcotic, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than five years, and for each subsequent offense shall be imprisoned in the state prison for not less than 10 years. Unlawful acts

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CHAPTER 1507

An act to amend Section 737o of the Political Code and Section 79.15 of the Code of Civil Procedure, relating to salaries of judges of the Superior Court in Kern County.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 737o of the Political Code is amended to read:

737o. The annual salary of each of the judges of the Superior Court in and for the County of Kern is twelve thousand five hundred dollars ($12,500). Kern County superior court judges' salaries

SEC. 2. Section 79.15 of the Code of Civil Procedure is amended to read:

79.15. The annual salary of each judge of the Superior Court in and for the County of Kern is twelve thousand five hundred dollars ($12,500). Same

SEC. 3. Section 2 of this act becomes operative only if Section 737o of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect. Effect Stats 1951, Ch 655

CHAPTER 1508

An act to amend Section 737hh of the Political Code, and Section 79.34 of the Code of Civil Procedure, relating to superior judges' salaries.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 737hh of the Political Code is amended to read:

Sacramento County superior court judges Salaries

737hh. The annual salary of each of the judges of the Superior Court in and for the County of Sacramento is sixteen thousand seven hundred fifty dollars ($16,750).

SEC. 2. Section 79.34 of the Code of Civil Procedure is amended to read:

Same

79.34. The annual salary of each of the judges of the Superior Court in and for the County of Sacramento is sixteen thousand seven hundred fifty dollars ($16,750).

Effect Stats. 1951, Ch. 655

SEC. 3. Section 2 of this act becomes operative only if Section 737hh of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1509

An act to amend Section 407 of the Education Code, relating to county school superintendents' salaries in counties of the seventh class.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 407 of the Education Code is amended to read:

San Bernardino County superintendent of schools Salary, etc

407. The annual salary of the county superintendent of schools of a county of the seventh class is eight thousand four hundred dollars ($8,400), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1510

An act to amend Sections 443 and 448 of the Education Code, relating to the salaries of county superintendents of schools of counties of the forty-third and forty-eighth classes.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 443 of the Education Code is amended to read:

Superintendent of schools Glenn County

443. The annual salary of the county superintendent of schools of a county of the forty-third class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

SEC. 2. Section 448 of said code is amended to read:

Colusa County

448. The annual salary of the county superintendent of schools of a county of the forty-eighth class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

CHAPTER 1511

An act to amend Section 28131 of the Government Code and Section 431 of the Education Code, relating to compensation for public services in counties of the thirty-first class.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In a county of the thirty-first class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Placer County officers Salaries

(a) The auditor, five thousand dollars ($5,000) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, for all services rendered as supervisor, as member of the board of equalization, and as road commissioner, and eight cents ($0.08) for each mile traveled on county business, not to exceed one thousand two hundred dollars ($1,200) in any one year, and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and thirty-five cents ($0.35) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session that jurors are required to attend.

Each member of the grand jury shall be allowed six dollars ($6) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of eight cents ($0.08) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

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

SEC. 2. Section 431 of the Education Code is amended to read:

431. The annual salary of the county superintendent of schools of a county of the thirty-first class is seven thousand four hundred dollars ($7,400), and he shall possess a valid general administrative credential issued by the State Board of Education. Same

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1512

An act to amend Section 28107 of the Government Code, relating to compensation for public services in counties of the seventh class.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 28107 of the Government Code is amended to read:

San Bernardino County officers Salaries

28107. In a county of the seventh class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services in the following sums:

(a) The chairman of the board of supervisors, eight thousand six hundred dollars ($8,600), and each other supervisor, three thousand dollars ($3,000) a year, and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents ($0.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to the chairman and to each member of the board is in full for all official services performed by him in any public capacity.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, three dollars ($3); as a juror in the superior court, for each day's attendance, three dollars ($3). For each mile actually traveled in attending court as a juror, in going only, ten cents ($0.10); for each mile actually traveled in attending meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, in going only, ten cents ($0.10). The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1513

An act to amend Section 737u of the Political Code, and Section 79.21 of the Code of Civil Procedure, relating to superior court judges' salaries.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 737u of the Political Code is amended to read:

737u. The annual salary of the judge of the Superior Court in and for the County of Marin is fifteen thousand dollars ($15,000).

Marin County superior court judges Salary

SEC. 2. Section 79.21 of the Code of Civil Procedure is amended to read:

79.21. The annual salary of the judge of the Superior Court in and for the County of Marin is fifteen thousand dollars ($15,000).

Same

SEC. 3. Section 2 of this act becomes operative only if Section 737u of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

Effect Stats 1951, Ch 655

CHAPTER 1514

An act to add Sections 37 and 38 to the Construction and Employment Act, relating to the allocation of funds to cities, and making an appropriation therefor.

[Approved by Governor July 11, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 37 is added to the Construction and Employment Act, to read:

Sec. 37. Cities incorporated on or after October 1, 1949, and before the effective date of this section may apply for an allocation from the appropriation made in Section 38 for expenditure within such cities for the purpose of defraying the State's share of the cost of the construction of projects. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its total population bears to the total population of all cities in the State incorporated on or after October 1, 1949, and before the effective date of this section. In the case of a city incorporated subsequent to April 1950 the population shall be as ascertained

Allocation to cities incorporated after October 1, 1949

and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors.

SEC. 2. Section 38 is added to said act, to read:

Appropriation Allocations to cities

Sec. 38. The sum of ten thousand dollars ($10,000) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of Section 37 of this act in making allocations to cities incorporated on or after October 1, 1949, and before the effective date of this section.

CHAPTER 1515

An act to amend Section 28148 of the Government Code, relating to compensation for public service in counties of the forty-eighth class.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 28148 of the Government Code is amended to read:

Colusa County officers Salaries

28148. In a county of the forty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand two hundred dollars ($4,200) a year.

(b) The district attorney, four thousand six hundred dollars ($4,600) a year.

(c) Each supervisor shall receive two hundred fifty dollars ($250) a month, and mileage for each regular or special meeting of the board for each day's attendance, at eight cents ($0.08) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor or road commissioner takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1516

An act to add Section 19627.3 to the Business and Professions Code, relating to the state revenue derived from horse racing licenses.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 19627.3 is added to the Business and Professions Code, to read:

Disposition of horse racing meeting license fees

19627.3. All of the license fees for conducting horse racing meetings not payable into the Fair and Exposition Fund, the Wildlife Restoration Fund or the State College Fund under this article shall be paid as follows: During the 1951-52 Fiscal Year and in each of the two fiscal years immediately thereafter there shall be appropriated to the California State Polytechnic College for permanent improvements at the Kellogg and Voorhis Units the sum of one million dollars ($1,000,000), and the remainder of said license fees shall be paid into the General Fund in the State Treasury. The amounts herein appropriated shall be transferred to the Capital Outlay and Savings Fund and the permanent improvements shall be deferred and no expenditures made thereon until or unless authorized by subsequent enactment. The provision of this section providing for payments to the California State Polytechnic College shall be appropriated without regard to fiscal years and shall apply only to the 1951-1952 Fiscal Year and the two fiscal years thereafter.

CHAPTER 1517

An act to amend Section 452 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the fifty-second class.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 452 of the Education Code is amended to read:

Amador County superintendent of schools Salary

452. The annual salary of the county superintendent of schools of a county of the fifty-second class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1518

An act to amend Section 28157 of the Government Code, relating to compensation for public services in counties of the fifty-seventh class.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

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

Mono County officers Salaries

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

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

(b) The district attorney, three thousand six hundred fifty dollars ($3,650) a year.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court four dollars ($4), and fifteen cents ($0.15) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall, nevertheless, be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1519

Stats 1951, Ch 13, amended

An act to amend Section 1 of an act entitled "An act making an appropriation to the Emergency Fund specified in Item 277 of the Budget Act of 1950, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency thereof, to take effect immediately," approved February 2, 1951, relating to repair and restoration of property damaged or destroyed by storms or

floods and the expenditure of money appropriated therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.] In effect immediately

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

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

Section 1. Out of any moneys unappropriated in the Post-war Unemployment and Construction Fund in the State Treasury the sum of one million five hundred thousand dollars ($1,500,000) is hereby appropriated to the Emergency Fund specified in Item 277 of the Budget Act of 1950, to be expended by the Department of Public Works acting through the agency of the State Engineer (1) during the 1950-1951 Fiscal Year beginning July 1, 1950, and ending June 30, 1951, the 1951-52 Fiscal Year beginning July 1, 1951, and ending June 30, 1952, and the 1952-53 Fiscal Year beginning July 1, 1952, and ending June 30, 1953, (2) for the cost of repair or restoration, or both, of levees, flood control works, channels, irrigation works, city and county roads and bridges and other property damaged or destroyed by storm and flood or flood conditions, or by the effect of necessary use of such works, roads, bridges, or other property while in a weakened condition caused by such storm and flood or flood conditions, subsequent to October 1, 1950, and for which no appropriation or insufficient appropriation, has otherwise been made by law, (3) subject to each and all of the following (in addition to other) conditions, restrictions and limitations: Appropriation. Repair, etc., of property damaged by flood

None of the moneys hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure, for a work of repair, or restoration, except for the making of investigations, estimates or reports hereunder by said department unless and until: Conditions

(a) Such expenditure and purpose is first approved by the Director of Finance.

(b) The department has first investigated and reported upon the proposed work, has found it to be a matter of general public and state interest and concern, has estimated the cost of the work and filed its report thereon with the Department of Finance.

(c) Moneys equal to or in excess of the amount expendable from this appropriation for said work shall be made available (by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the executive department of the State Government) for expenditure by the department for such work to the end that any sums expended from this appropriation shall be matched by like or greater

amounts from public sources other than the State Treasury or funds of any agency which is a part of the executive department of the State Government. Money apportioned to a county out of the Highway Users Tax Fund shall not be considered to be funds from the State Treasury or funds of any agency which is a part of the executive department of the State Government and may be used by such county for matching purposes for the repair or restoration of roads and bridges under this act.

The department may perform all or any portion of said work directly by contract or force account or the department and any entity herein authorized to match the appropriation herein made may enter into a contract whereby all or any portion of such work may be performed by any party to such contract.

Limitation

Not more than 20 percent of the money appropriated by this act shall be expended in any one county.

Urgency

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

Recent occurrences of storms and floods have caused extensive damage to levees, flood control works, channels, irrigation works, city and county roads and bridges and other property.

Funds have already been appropriated for the repair and restoration of the damaged property and the amendments contained in this act make specific certain provisions of the law with regard to which some misunderstanding now exists. It is important that the law be clarified in these regards in order that every applicant for assistance under the act will have the same understanding of its application as every other such applicant. Inasmuch as the repair of such flood-damaged property must be performed at once it is necessary in the interest of public health and safety that this act take effect immediately.

CHAPTER 1520

An act to amend Section 79 33 of the Code of Civil Procedure, relating to superior judges' salaries.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 79.33 of the Code of Civil Procedure is amended to read:

Riverside County superior court judges Salaries

79 33. The annual salary of the judges of the Superior Court in and for the County of Riverside is thirteen thousand five hundred dollars ($13,500).

CHAPTER 1521

An act to amend Section 28137 of the Government Code, relating to compensation for public services in counties of the thirty-seventh class.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28137 of the Government Code is amended to read:

Sutter County officers: Salaries

28137. In a county of the thirty-seventh class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand two hundred fifty dollars ($4,250) a year.

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

(c) Each supervisor shall receive two hundred fifty dollars ($250) a month, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile, one way; (1) for traveling from his residence to the county seat to attend regular, special, and adjourned sessions of the board of supervisors, and (2) for all actual distances traveled by him in the performance of his duties as road commissioner.

(d) Grand jurors and jurors in the superior court shall receive five dollars ($5) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1522

An act to amend Section 28124 of the Government Code, relating to compensation for public service in counties of the twenty-fourth class.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 28124 of the Government Code is amended to read:

Humboldt County officers Salaries

28124. In a county of the twenty-fourth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year.

If the board of supervisors in any year orders or directs the auditor to prepare and file its annual statistical report, on performing such services he shall be allowed the further sum of three hundred dollars ($300), payable upon the completion and acceptance of the report, and if the report is mailed throughout the county by the auditor, he shall be allowed the further sum of one hundred dollars ($100).

(b) The district attorney, nine thousand dollars ($9,000) a year. He shall be disqualified from engaging in private law practice.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at eight cents ($0.08) a mile for all distances traveled by him as supervisor or as road commissioner, mileage not to exceed in any one year one thousand dollars ($1,000) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justices' courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge or justice of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1523

An act to amend Section 3 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 October 13, 1950, relating to the time during which said act shall remain in effect.

Stats. 1950 (3d Ex. Sess.), Ch. 29

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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. This act shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature.

Duration

CHAPTER 1524

An act to amend Section 4458 of the Labor Code, relating to volunteer firemen.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 4458 of the Labor Code is amended to read:

4458. If a male member registered as an active fire fighting member of any regularly organized volunteer fire department as described in Section 3361 suffers injury or death while in the performance of his duty as fireman, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

Average weekly earnings

CHAPTER 1525

An act to add Sections 5438.5, 5461, 5462, 5463, 5464, 5465, 5466, and 5467, to the Public Resources Code, relating to county recreation districts.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 5438.5 is added to the Public Resources Code, to read:

Employment of board member

5438.5. The board of trustees may employ the services of one of its members in the conduct of the business and affairs of the district, and for such services fix and prescribe compensation payable to such member at not exceeding the rate of ten dollars ($10) per day while he is so employed.

SEC. 2. Section 5461 is added to said code, to read:

Special zones

5461. The board of supervisors shall have power, on its own motion, by resolution, to initiate proceedings for creation of special recreation zones in the district and to create said zones, in the manner hereinafter provided, for any one or more of the following purposes, to wit: To provide for delegation of certain powers of the board of trustees in the management and operation of the recreation programs and facilities in the territory of said zone.

SEC. 3. Section 5462 is added to said code, to read:

Resolution

5462. Said resolution initiating said proceedings shall set out the purposes for which it is proposed to form said zone, describe the boundaries thereof and set a date for public hearing before the board of supervisors for questions of hearing any objections to formation and of determining whether or not it is in the best interest of the residents of said zone that it be formed.

SEC. 4. Section 5463 is added to said code, to read:

Notice

5463. Notice of said hearing shall be given by publication of a copy of said resolution in a newspaper of general circulation published and printed in said district, but if no newspaper is printed and published in said district then said notice shall be published in such newspaper printed and published in the county in which said district is located. Said publication shall be once a week for two (2) successive weeks prior to date set for hearing and the first publication shall be at least twenty (20) days prior to said date.

SEC. 5. Section 5464 is added to said code, to read:

Objections, hearing and determination

5464. Any person interested may file with the clerk of the board of supervisors at or before date of hearing any written objection, and may at the time of hearing make any oral objection he may have to formation of said zone or inclusion of his property therein. At said hearing said board of supervisors shall hear and determine all objections. At the conclusion of the hearing the board of supervisors shall decide and determine whether or not the zone shall be formed for the purposes and with the boundaries set out in the original resolution; provided, however, that the board may revise the boundaries by withdrawing portions of the territory contained within the originally proposed boundaries and may reduce the purposes mentioned in Section 5461 for which it was intended to form said zone. If the zone is created, a written order so creating it, describing the boundaries and purposes shall be made The creation of said zones shall be subject to the provisions of Chapter 8, of Part 1, of Division 2, of Title 5 of the

Government Code before the creation of said zone is effective for assessment or taxation purposes.

SEC. 6. Section 5465 is added to said code, to read:

Zone commissioners

5465. The board of supervisors shall appoint zone commissioners not less than three in number as it may see fit, whenever such zones are created for purpose referred to in Section 5461. Each shall be a resident in their respective zones. Each commissioner shall have a term of two years and until his successor is appointed and qualified. They shall serve without compensation.

SEC. 7. Section 5466 is added to said code, to read:

Same Powers

5466. The zone commissioners shall have power of exercising any of the functions of the board of trustees delegated to them by said board of trustees, in the management of and operation of recreation programs and facilities maintained or operated by the district in the said zone. The order creating the zone shall set out said powers so delegated. The commissioners shall also have power to advise the board of trustees on any other functions or duties of said board as far as they affect the territory in said zone.

SEC. 8. Section 5467 is added to said code, to read:

Abolition of zone

5467. Any zone created under the preceding sections may be abolished by resolution of the board of supervisors after a hearing is held in the same manner as provided for in the original creation of the zone, whenever the said board determines that the public interest and necessity which prompted the creation of said zone no longer exist.

CHAPTER 1526

An act making an appropriation to the Department of Agriculture for completing construction of the poultry and animal disease diagnostic and testing laboratory at Petaluma.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

Appropriation Testing laboratory at Petaluma

SECTION 1. Out of any money in the Fair and Exposition Fund in the State Treasury available for permanent improvements upon the property of state, citrus, county or district agricultural associations for fair purposes, allotted by Section 19626 of the Business and Professions Code, the sum of one hundred thirty-five thousand dollars ($135,000) is hereby appropriated to the Department of Agriculture in addition to the money appropriated by Chapter 1063, Statutes 1949, for the completion of the establishment, construction, and equipping of a poultry and animal disease diagnostic and testing laboratory at Petaluma.

CHAPTER 1527

An act providing for the designation of judicial districts and of the municipal or justice courts established therein.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

Judicial districts

SECTION 1. Each judicial district shall be named by the board of supervisors of the county in which it is situated, and the municipal or justice court established therein shall be known and designated by said name. The board of supervisors shall select a name which nearly as possible identifies the communities embraced in the district.

Same Ordinance declaring name

SEC. 2. The board of supervisors shall, in conformity with the provisions of Section 1 of this act, declare the name of each judicial district in the ordinance setting forth the boundaries of said district.

CHAPTER 1528

An act relating to Napa State Hospital and the use of money appropriated for a laundry and commissary warehouse at said institution, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

Appropriation Napa State Hospital laundry, etc

SECTION 1. The sum of five hundred seventy-three thousand one hundred fifty-nine dollars ($573,159) appropriated by Item 397, and the sum of one hundred fifty-seven thousand five hundred ten dollars ($157,510) appropriated by Item 400, of Section 2 of the Budget Act of 1950 are hereby combined into one appropriation, and the total of said sums is hereby made available for construction and equipment of a new laundry at Napa State Hospital, and the remodeling of the old laundry building into a commissary warehouse at said hospital, rather than constructing a new commissary warehouse and building an addition to the existing laundry.

Urgency

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

The appropriations made under the Budget Act of 1950 contemplated the expenditure of five hundred seventy-three thousand one hundred fifty-nine dollars ($573,159) for alterations to the existing laundry at Napa State Hospital and one hundred fifty-seven thousand five hundred ten dollars

($157,510) for construction of a new commissary warehouse at said hospital. It has since been determined to be more economical and advantageous to combine both appropriations and use the total of both sums to construct a new laundry at Napa State Hospital and to remodel the existing laundry building into a commissary and general supply warehouse. The existing laundry is outmoded and utterly inadequate to provide the necessary services for the thousands of patients under care and treatment at Napa State Hospital. In order to expedite the building of new laundry facilities for the health and safety of such patients, which facilities are urgently needed for the better care and protection of the thousands of patients, and because it will save approximately one year's time in the construction of this laundry, it is necessary that this act take effect immediately.

CHAPTER 1529

An act to amend Section 810.5 of the Agricultural Code, relating to asparagus standards.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 810.5 of the Agricultural Code is amended to read:

Asparagus standards

810.5. Fresh asparagus shall not be wilted, or crushed (except such injuries as are necessarily caused in proper sorting or packing); stalks shall not have badly broken, badly spreading or badly seeded tips and shall be free from decay and from damage caused by dirt, disease, insects, mechanical injury or other causes. Stalks of asparagus, shall not be badly crooked. "Damage" means any injury from the causes mentioned which materially affects the quality.

"Damage"

Tolerance

Not more than 10 percent, by count, of the asparagus stalks in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. Asparagus which fails to meet these requirements only because of being "badly crooked" shall be considered as complying with this standard if the container in which it is packed is plainly marked on the outside of the end bearing other markings required by this section, in letters not less than one-half inch in height, with the word "crooks."

The grade classification for asparagus packed in bunches weighing not less than two pounds per bunch and the size designation for all other asparagus shall be as follows:

Grade classification and weight

(a) Grade Classification. Bunches of asparagus classified according to the following designated grades shall contain the number of stalks indicated in each classification and shall weigh not less than two pounds net when packed. Not less than

12 bunches of asparagus so classified may be packed in standard container number 51 or 52.

Colossal, not more than 14 stalks to a bunch.

Jumbo, 15 to 20 stalks to a bunch.

Extra select, 21 to 28 stalks to a bunch.

Select, 29 to 42 stalks to a bunch.

Extra fancy, 43 to 67 stalks to a bunch.

Fancy, 68 to 100 stalks to a bunch.

In view of differences in climatic and other natural conditions prevailing south and east of San Gorgonio Pass, which causes fresh asparagus grown in that area to be satisfactory in quality only if a large portion of the stalk is green or colored, and therefore must be cut at a shorter length, as compared to asparagus grown in the area north and west of the San Gorgonio Pass, stalks of asparagus produced in the area south and east of San Gorgonio Pass shall have not more than two inches of white on the butt, except that not more than 20 percent of the stalks in any bunch, or when not packed in bunches, 20 percent of the stalks in any container, may have not to exceed 2½ inches of white. When the stalks of asparagus produced in this area are less than 7¼ inches in length and packed in bunches they shall be classified according to the following designated grades:

Mammoth, not more than 17 stalks to a bunch.

Giant, 18 to 24 stalks to a bunch.

Fancy regal, 25 to 34 stalks to a bunch.

Regal, 35 to 52 stalks to a bunch.

Fancy standard, 53 to 78 stalks to a bunch.

Standard, 79 to 115 stalks to a bunch.

"Crooks" when packed in bunches shall have no more than 67 stalks to a bunch.

Tolerance

The number of stalks of asparagus packed in bunches shall not vary more than 10 percent from the count of the grade classification as marked, except that 10 percent, by count, of the bunches in any one container may exceed this tolerance.

Size designations

(b) Size Designations. All other asparagus packed or placed in containers shall be graded and designated as to size in accordance with one of the following individual stalk size requirements:

Small, stalks which are less than six-sixteenths inch in diameter.

Medium, stalks which are six-sixteenths inch, but do not exceed nine-sixteenths inch in diameter.

Large, stalks which are over nine-sixteenths inch, but do not exceed thirteen-sixteenths inch in diameter.

Jumbo, stalks over thirteen-sixteenths inch in diameter.

Irregular sizes, no diameter requirement.

"Diameter" measurement shall mean the widest portion of the cross section of the stalk, measured at a point one inch above the end of the butt.

The size designation requirements as herein established shall apply to all stalks of asparagus in each container, except

that 10 percent, by count, of the stalks in any container may be larger or smaller than the size designation specified.

All containers of asparagus shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the asparagus, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in letters not less than one-half inch in height, with the following: Container marking.

1. In the case of asparagus packed in bunches that weigh not less than two pounds each the grade classification as herein established, except that crates of bunch packed asparagus which is badly crooked and so marked with the designation "crooks" need not bear any other grade classification. When bunches of different grades are packed in one container, the markings on each container shall clearly show the number of bunches of each grade.

2. In the case of all other asparagus the size designation as herein established, or the term "irregular sizes." "Irregular sizes"

If 90 percent, by count, of the stalks of asparagus in any container have less than 50 percent of the length of the stalk white, the containers may be marked with the term "green." Green asparagus

All markings required by this section which are on containers less than one-half the size of standard containers numbers 51 and 52 may be in letters smaller than one-half inch in height, provided, such markings are in plain sight and in plain letters

Asparagus packed in bunches that weigh not less than two pounds per bunch shall be in standard containers as follows: Containers

(a) Bunches in which the stalks are $7\frac{1}{4}$ inches or longer in length shall be in standard container number 51.

(b) Bunches in which the stalks are less than $7\frac{1}{4}$ inches in length shall be in standard container number 52.

Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half of an inch in height with the words "irregular container."

CHAPTER 1530

An act to amend Section 58002 of, to add Section 58308 to, and to repeal Section 58003 of, the Government Code, relating to a system of state and local government.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 58002 of the Government Code is amended to read:

District organization law Application

58002. Except as provided in Section 58308, this chapter does not repeal or affect any statute or district existing on August 21, 1933. Except as provided in Section 58308, this chapter applies only when and to the extent that it is adopted or incorporated by reference in a law providing for a particular district or type of district.

Repeal

SEC. 2. Section 58003 of said code is repealed.

SEC. 3. Section 58308 is added to said code, to read:

Application of article

58308. This article shall apply to all districts authorized to be formed by the following laws, their predecessors, or any re-enactment of them:

Type of districts	Citation
Highway lighting	Streets and Highways Code, Part 4, Division 14.
Library	Education Code, Chapter 4, Division 11.
Mosquito abatement	Health and Safety Code, Chapter 5, Division 3.
Sanitary	Chapter 480 of the Statutes of 1919.
Sanitary	Health and Safety Code, Part 1, Division 6.
County fire protection	Health and Safety Code, Chapter 2, Part 3, Division 12.
Garbage disposal	Health and Safety Code, Chapter 1, Part 2, Division 5.
Park, recreation and parkway	Public Resources Code, Article 1, Chapter 3, Division 5.
Park, recreation and parkway	Public Resources Code, Article 4, Chapter 3, Division 5.

CHAPTER 1531

An act to add Sections 23177 and 23178 to the Government Code, relating to counties.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 23177 is added to the Government Code, to read:

Validation, etc., of county boundaries

23177. Every common boundary between counties which has been mutually used by the counties adjacent thereto for the purpose of the assessment and collection of taxes for a period of 15 years continuously prior to the effective date of this section is hereby confirmed, validated, and declared to be legally established.

SEC. 2. Section 23178 is added to said code, to read:

23178. Whenever a common boundary between counties has been legally established in accordance with Article 3 of this chapter, or by judicial proceedings, a certified copy of any instrument recorded in one of such counties affecting title to real property so established to be situated in an adjoining county may be recorded in the office of the recorder of such adjoining county, with the same force and effect as if the original instrument had been recorded in such adjoining county and the real property mentioned therein had been described as situated in such adjoining county. Recordation of instruments

SEC. 3. It is the intent of the Legislature in enacting Sections 23177 and 23178 of the Government Code, by general law, to resolve the problems and uncertainties arising by reason of the lack of certainty of common boundary lines between counties as established by law, particularly with reference to the south boundary line of Kern County and the north boundary line of Ventura County. Legislative intent

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CHAPTER 1532

An act to repeal Section 1142, to amend Section 1143a, and to add Sections 1142, 1142.1, 1142.2, 1142.3, and 1142.4 to the Agricultural Code, relating to processing of eggs and egg products, eggs shipped into California both from within the United States and from outside the United States; also relating to the inspection and certificates of egg products shipped into California and making an appropriation.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 1142 of the Agricultural Code is repealed. Repeal

SEC. 2. Section 1142 is added to the Agricultural Code, to read:

1142. It is unlawful for any firm, corporation, or any person to engage in egg breaking, liquefying, freezing, dehydration or importing into this State of egg products without first obtaining a license from the State Department of Public Health. The provisions of this section shall not apply to any bakery or restaurant, or employee thereof, in which eggs are broken for immediate use upon the premises. Unlawful acts

SEC. 3. Section 1142.1 is added to said code, to read:

1142.1. The State Department of Public Health shall issue to any corporation, firm, or person a separate annual license for each plant so engaged on the receipt of one hundred dollars ($100) for each such license and such evidence as the depart- License

ment may require to show that the applicant is properly equipped to operate such an establishment.

Fees

Annual license fees payable under this section shall become due and payable by each person approved by the Department of Public Health on or before January 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the costs of administering this act shall be substantially covered by the revenues collected hereunder.

SEC. 4. Section 1142.2 is added to said code, to read:

Egg breaking establishments

1142.2. All egg breaking establishments shall consist of at least the following and distinctly separate rooms or areas:

Candling room

(a) Candling Room. (1) Candling room must be separate from the breaking room, but may join the latter, if provided with a tightly fitted door or similar opening.

(2) There shall be provided ample receptacles to hold all rejected eggs.

(3) For "leakers," there shall be provided metal trays.

(4) All candled eggs shall be placed in clean and sanitary containers before sending them to the breaking room.

(5) All eggs must be candled with care using every precaution to keep those eggs classed as unfit for human food out of the breaking room.

Breaking room

(b) Breaking Room. (1) The breaking room shall have walls and ceiling of white enamel, tile, paint, or other waterproof covering.

(2) The floor must be impervious to water and supplied with ample drains.

(3) The intersections of the wall and the floor shall be finished in the so-called sanitary or cove-finish.

(4) All windows and other exterior openings shall be adequately covered to keep out flies, dust and dirt.

(5) Tables shall be made of metal, porcelain or other impervious material, or covered with a similar material.

(6) All eggs shall be broken on detachable metal knives and the contents of the shell emptied into a glass, metal or other approved cup.

(7) A careful examination for appearance and odor shall be made of all eggs in such cup prior to pouring into the packing container.

(8) If any eggs in the cup are not of the classes permitted for human food, the cup and contents and knives shall be removed to the washing area and properly sterilized apparatus shall be substituted.

(9) Before the clean equipment is received, the hands of the egg breaker must be washed clean in a wash basin provided for that purpose in the breaking room, and must be properly dried on a fresh, clean towel or by some other sanitary device.

(10) The separating of yolks and whites "by hand" is strictly prohibited. Each separation must be effected by a sanitary mechanical device.

(11) All employees in the breaking room shall wear clean, white caps and outer garments of washable material.

(c) Washing and Sterilizing Area. (1) The washing and sterilizing area shall be separate and apart and shall be provided with a waterproof floor, ample daylight, hot and cold running water. The hot water to be not less than 160 degrees F. Washing and sterilizing area

(2) There shall be adequate facilities for the washing, rinsing, and sterilizing of all utensils, containers, et cetera.

(3) All vats, receptacles, implements, et cetera, shall be thoroughly washed and sterilized before using.

(4) All floors and tables shall be scrubbed at least once daily or oftener if needed.

(d) Chilling and Freezing Rooms. (1) Ample facilities shall be provided for the prompt cooling or freezing of liquid egg products. Liquid eggs intended for immediate sale or use shall be properly cooled and delivery made within 24 hours after cracking. Chilling and freezing rooms

(2) The freezing room shall have a water proof floor, adequately cleaned and with suitable drainage.

SEC. 5. Section 1142.3 is added to said code, to read:

1142.3. Egg products shall be prepared only from eggs that are fit for human consumption, under sanitary conditions that meet the approval of all state rules and regulations prescribed under authority of the California Pure Foods Act and Chapter 7 of Division 21 of the Health and Safety Code; egg products prepared outside of the State but within the United States, must bear a certificate of an authorized representative of any federal, state, county, or city department that is authorized to inspect food products. Egg products requirements

SEC. 6. Section 1142.4 is added to said code, to read:

1142.4. Certificates issued in accordance with Section 1142.3 shall be submitted to the State Department of Public Health prior to the sale of egg products covered by said certificate in interstate commerce. Certificates

SEC. 7. Section 1143a of said code is amended to read:

1143a. All public warehouses including cold storage warehouses shall keep a record of and furnish to the Department of Public Health at the end of each month a statement of all foreign imported egg products received by it during the month, such statement to show the name of the depositor, the quantity of such egg products warehoused and the type of container in which packed. No public warehouse, including cold storage warehouses, shall permit the removal from it of any foreign imported egg products for sale or distribution in California unless the same shall have been inspected by the Department of Public Health and an inspection permit has been affixed to the container thereof showing such inspection. Record of foreign egg products

It shall be unlawful to withhold from any officer information where such egg product is kept or stored, or to refuse to permit an inspection of such egg products and of the premises where such egg products are kept, stored, or processed.

Appropriation Department of Public Health

SEC. 8. The sum of five thousand eight hundred forty-two dollars ($5,842) is hereby appropriated from the General Fund in the State Treasury in augmentation of Item 231 of the Budget Act of 1951, to be expended by the Department of Public Health in administration and enforcement of this act.

CHAPTER 1533

An act to repeal Sections 1510, 1511, and 1512 of the Welfare and Institutions Code, and to add Sections 1510, 1511, 1511.3, 1511.5, 1511.7, and 1512 thereto, relating to aid to needy children, in respect to the amount of aid.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

Repeal

SECTION 1. Sections 1510, 1511, and 1512 of the Welfare and Institutions Code are repealed.

SEC. 2. Section 1510 is added to said code, to read:

Amount of aid to needy children

1510. There is hereby provided out of any money in the State Treasury not otherwise appropriated to each institution in this State conducted for the support and maintenance of needy children and to each county maintaining such needy children, aid not in excess of the following sums:

(a) (1) For needy children who have residence in the State as defined by Section 1525 and residence in the county as defined by Section 1526 of this code, 66⅔ percent of the sums specified in Section 1511. (2) For each needy child who has such state and county residence and who is in an institution or boarding home, except those for whom application is made under Section 1557, the sum of forty dollars ($40) per month, irrespective of the number of children in the institution or boarding home.

(b) (1) For needy children who have residence in the State as defined by Section 1525, but who do not have the county residence as defined by Section 1526 of this code, the sums specified in Section 1511. (2) For each needy child who has such state residence only and who is in an institution or a boarding home, except those for whom application is made under Section 1557, the sum of sixty dollars ($60) per month, irrespective of the number of children in the institution or boarding home.

(c) For each needy child who has residence in the State as provided in Section 1525, and for whom application is made under Section 1557, the sum of twenty-four dollars ($24) per month.

SEC. 3. Section 1511 is added to said code, to read:

Same

1511. (a) For needy children qualifying for aid under the provisions of this chapter, except as provided in Section 1557, there shall be paid, the sums specified in the following table, or so much thereof as is necessary for the adequate care of the child:

Number of needy children in the same home	Maximum aid
1 child	$105
2 children	153
3 children	195
4 children	231
5 children	261
6 children	285
7 children	303
8 children	315
9 children	321
10 children	324
11 children	327
12 children	330
13 children	333
14 children	336
15 children or more	339

If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the needy children in this State above or below the amount being paid on January 1, 1951, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States Government. Increase or decrease in aid

(b) For each needy child in an institution or a boarding home, except as provided in Section 1557, who is qualified for aid under provisions of this chapter there shall be paid the sum of sixty dollars ($60) per month, or so much thereof as is necessary for the adequate care of the child, irrespective of the number of children in the institution or boarding home. The State shall pay 66⅔ percent and the county shall pay 33⅓ percent of the aid furnished for the adequate care of such children who have county residence, but the State shall pay no more than forty dollars ($40) per month or portion of a month for any needy child who has such county residence. State and county shares

SEC. 4. Section 1511.3 is added to said code, to read:

1511.3. Any county may, in its discretion, pay from its own funds additional sums for the care of any needy child, and the State and county may pay such aid as is needed for the adequate care of the family from other state or county funds. Additional payments by county

SEC. 5. Section 1511.5 is added to said code, to read:

1511.5. Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. Such standards shall be determined by the rules and regulations of the State Department of Social Welfare, approved by the State Board of Social Welfare, to insure: Minimum basic standards

(a) Safe, healthful housing.

(b) Minimum clothing for health and decency.

(c) Low cost adequate food budget meeting recommended dietary allowances of the National Research Council adapted to prices of the area in which the recipient resides.

(d) Utilities in accordance with the basic minimum need.

(e) Other items verified as needed, including household operation, education and incidentals, recreation, personal needs, and insurance but not to exceed in any one month the following amounts:

Number of needy children	
1 child	$13
2 children	15
3 children	18
4 children	21
5 children	24
6 children	26
7 children	28
8 children	30
9 children	32
10 children	33
11 children	34
12 or more children	35

(f) Allowance for essential household furniture and equipment.

(g) Allowance for essential medical, dental, or other remedial care when not available through a public facility.

(h) Allowances for special needs for any one or more of the following items: special diets upon the recommendation of a physician, transportation, laundry, housekeeping service, and telephone; and utilities in excess of the basic minimum need.

SEC. 6. Section 1511.7 is added to said code, to read:

Revision of budget

1511.7. The budget established by the department in compliance with Section 1511.5 shall be revised no oftener than semiannually and each county shall have a minimum of three months between the receipt thereof and the effective date of such budget revision.

All grants computed in accordance with said budget shall be paid to the nearer dollar. No change shall be made in the grant for increases or decreases of less than two dollars ($2).

SEC. 7. Section 1512 is added to said code, to read:

Grant by county

1512. (a) Every county shall grant aid to any child living therein at the time of his application who is eligible therefor, in any sum needed, not to exceed the amount specified in Section 1511.

Nothing in this subdivision shall prevent any county from paying from its own funds, in its discretion, additional sums for the care of any needy child.

Reimbursement to county for aid to nonresident

(b) If at the time application for aid is made, a child does not have residence as defined by Section 1526 in any county, the State shall reimburse the county the full amount of the aid granted to each such child until the first day of the first month beginning after the date upon which the child gains such county residence, unless the day upon which he gains county residence is the first day of the month, in which event the county shall assume its share of the cost beginning thereon.

(c) If at the time application for aid is made, a child does not have residence as defined by Section 1526 in the county to which application is made, but does have such residence in another county, the State shall reimburse the county in which application is made the full amount of the aid granted by it to each such child for a period not to exceed 180 days after the date the payment of aid to the child was begun. Whenever aid is granted by a county to a child who has residence as defined by Section 1526 in another county, within 180 days after the date the payment of aid begins, the county granting the aid shall transfer the case to the county in which the child has residence as defined by Section 1526, together with the application for aid, and all documents and records pertaining to the eligibility of the child for aid, and thereafter the county in which the application was granted shall have no further responsibility for the continuation of the aid granted, but the county in which the child has residence as defined by Section 1526 shall have full responsibility to determine the eligibility of the child to continue to receive aid and the amount of aid to be granted to him, and to pay the aid to which he is entitled, without any interruption in monthly payments as a result of the transfer. Transfer to county of residence

When the State reimburses a county the full amount of aid granted by it to a child who has residence as defined by Section 1526 in another county, the proportionate share of the aid granted which would be paid by the granting county if the child were a resident thereof shall be a charge, not exceeding 33⅓ percent of the sums specified in Section 1511, against any amounts paid under Section 1554 to the county in which the child has residence.

SEC. 8. This act shall become operative on the first day of the first calendar month following its effective date unless its effective date is the first day of a calendar month, in which event this act shall become operative on its effective date. Operative date

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CHAPTER 1534

An act making an appropriation for the construction of a vocational training building at the proposed State School for the Deaf, Southern California.

[Approved by Governor July 14, 1951 Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. The sum of three hundred eighty-five thousand dollars ($385,000), or so much thereof as may be necessary, is appropriated out of the General Fund in the State Treasury to the Department of Education, for the construction of a vocational training building at the proposed School for the Deaf, Southern California, on the property acquired therefor out of Appropriation School for Deaf, Southern California

the appropriation made by Chapter 152 of the Statutes of the 1946 First Extraordinary Session of the Legislature.

The amount herein appropriated shall be transferred to the Capital Outlay and Savings Fund and the permanent improvements shall be deferred and no expenditures made thereon until or unless authorized by subsequent enactment.

CHAPTER 1535

An act to amend Section 10407 of the Government Code, relating to the Commission on Uniform State Laws, and making an appropriation therefor.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 10407 of the Government Code is amended to read:

Expenditures by commission

10407. The commission may expend in accordance with law for expenses and actual disbursements in effectuating the objects of this chapter, including travel expenses, all money made available for its use. The commission may participate in the work of the National Conference of Commissioners on Uniform State Laws, and may pay, from the sums available for the support of the commission, not to exceed one thousand two hundred dollars ($1,200) annually as its proportionate share of the expenses of the National Conference of Commissioners on Uniform State Laws.

Appropriation Commission on Uniform State Laws

SEC. 2. The sum of four hundred fifty dollars ($450) is hereby appropriated out of the General Fund in the State Treasury for additional support of the Commission on Uniform State Laws in augmentation of Item 19 of the Budget Act of 1951, to carry out the provisions of this act.

CHAPTER 1536

An act to provide for the compilation, publication and distribution of state laws relating to publishing and publications, and making an appropriation therefor.

In effect September 22, 1951

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

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

Compilation, etc., of laws relating to publications

SECTION 1. The Legislative Counsel shall compile and index all laws of this State governing and relating to the publishing business and to publications generally, including but

not limited to laws relating to: establishment of publications as newspapers of general circulation, publication of legal and official notices, libel and privilege and publication of indecent and obscene matter. Upon completion the indexed compilation shall be published and distributed by the Secretary of State at cost to persons interested in the publishing business.

SEC. 2. The sum of one thousand five hundred dollars ($1,500) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to the Secretary of State to be expended for the compilation, publication and distribution of said compilation as in this act provided. Same Appropriation

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CHAPTER 1537

An act to amend Section 20750.1 of the Government Code, relating to the state contribution to the State Employees' Retirement Fund in respect to state miscellaneous members of the State Employees' Retirement System.

[Approved by Governor July 14, 1951 Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 20750.1 of the Government Code is amended to read:

20750.1. The State's contribution to the Retirement Fund in respect to state miscellaneous members is a sum equal to 8.11 percent of the compensation paid state miscellaneous members. State's contribution

SEC. 2. This act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature. Operative date

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CHAPTER 1538

An act to amend Section 20750.4 of the Government Code, relating to the state contribution to the State Employees' Retirement Fund in respect to warden members of the State Employees' Retirement System.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 20750.4 of the Government Code is amended to read:

20750.4. The State's contribution to the Retirement Fund in respect to warden members is a sum equal to 16.86 percent of the compensation paid warden members. State's contribution

Operative date

SEC. 2. This act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature.

CHAPTER 1539

An act to amend Section 20750.3 of the Government Code, relating to the state contribution to the State Employees' Retirement Fund in respect to forestry members of the State Employees' Retirement System.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 20750.3 of the Government Code is amended to read:

State's contribution

20750.3. The State's contribution to the Retirement Fund in respect to forestry members is a sum equal to 7.25 percent of the compensation paid forestry members.

Operative date

SEC. 2. This act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature.

CHAPTER 1540

An act to amend Section 20750.2 of the Government Code, relating to the state contribution to the State Employees' Retirement Fund in respect to state patrol members of the State Employees' Retirement System.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 20750.2 of the Government Code is amended to read:

State's contribution

20750.2. The State's contribution to the retirement fund in respect to state patrol members is a sum equal to 27.88 percent of the compensation paid state patrol members.

Operative date

SEC. 2. This act shall become effective on the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature.

CHAPTER 1541

An act authorizing the Director of Finance to convey fee title to certain property to the City of Berkeley and to pay the City of Berkeley the costs incurred by that city in the

widening and paving of certain streets in exchange for certain property, and making an appropriation therefor.

[Approved by Governor July 14, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. In exchange for fee title, clear and free of liens, encumbrances or defects of title to a certain parcel of land situate, lying and being in the City of Berkeley, County of Alameda, State of California, described as follows: Description

Beginning at a point on the westerly line of Walnut Street 10.00 feet northerly from the intersection of said line with the northerly line of Berkeley Way as shown on Plots Nos. 1, 2, 3, and 4 on the Map of Walnut Street Opening, filed December 14, 1915, in Book 14 of Maps at page 26 in the Office of the County Recorder of Alameda County; thence northerly along the westerly line of Walnut Street 219 feet, more or less, to a point 20.00 feet southerly from the southerly line of Hearst Avenue; thence easterly on a line parallel to the southerly line of Hearst Avenue 60.00 feet to the easterly line of Walnut Street; thence southerly along the last mentioned line 219 feet, more or less, to a point 10.00 feet northerly from the northerly line of Berkeley Way; thence westerly along a line parallel to the northerly line of Berkeley Way 60.00 feet to the point of beginning.

the Director of Finance is authorized:

(1) Upon acquisition of the property, to convey to the City of Berkeley fee title to strips of land in the City of Berkeley, along the south line of Hearst Avenue approximately 20 feet in width and strips of land along the north line of Berkeley Way approximately 10 feet in width, more particularly described as follows: Authority to exchange

All those parcels of land situated in the City of Berkeley, County of Alameda, State of California, described as follows: Description

PARCEL 1

Beginning at the intersection of the southern line of Hearst Avenue (College Way) with the western line of Walnut Street as said street is shown on Plots Nos. 1, 2, 3, and 4 on the Map of Walnut Street Opening, filed December 14, 1915, in Book 14 of Maps at page 26 in the Office of the County Recorder of Alameda County; thence southerly along the western line of Walnut Street 20.00 feet; thence westerly on a line parallel to the southern line of Hearst Avenue and 20 00 feet distant therefrom 239 66 feet, more or less, to the easterly line of Shattuck Avenue as said line now exists; thence northerly along said easterly line 20.05 feet to its intersection with the southerly line of Hearst Avenue; thence easterly along the southerly line of Hearst Avenue 238.25 feet, more or less, to the point of beginning.

Description

PARCEL 2

Beginning at the intersection of the southerly line of Hearst Avenue and the easterly line of Walnut Street as said street is shown on Plots Nos. 1, 2, 3, and 4 on the Map of Walnut Street Opening, filed December 14, 1915, in Book 14 of Maps at page 26 in the Office of the County Recorder of Alameda County; thence easterly along the southerly line of Hearst Avenue 151.37 feet, more or less, to the westerly line of property now owned by Associated Oil Company of California; thence southerly along said westerly property line 20.01 feet, more or less; thence westerly along a line parallel to the southern line of Hearst Avenue and 20.00 feet distant therefrom 150.73 feet, more or less, to the easterly line of Walnut Street; thence northerly along said easterly line 20.00 feet to the point of beginning.

PARCEL 3

Beginning at the intersection of the northerly line of Berkeley Way and the easterly line of Walnut Street as said Street is shown on Plots Nos. 1, 2, 3, and 4 on the Map of Walnut Street Opening, filed December 14, 1915 in Book 14 of Maps at page 26 in the Office of the County Recorder of Alameda County; thence easterly along the northerly line of Berkeley Way 173.53 feet, more or less, to the westerly line of property now owned by the Standard Oil Company of California; thence northerly along said property line 10.00 feet; thence westerly along a line parallel to the northerly line of Berkeley Way and 10.00 feet distant therefrom 173.53 feet, more or less, to the easterly line of Walnut Street; thence southerly along said easterly line 10.00 feet to the point of beginning.

PARCEL 4

Beginning at the intersection of the northerly line of Berkeley Way and the westerly line of Walnut Street as said street is shown on Plots Nos. 1, 2, 3 and 4 on the Map of Walnut Street Opening, filed December 14, 1915, in Book 14 of Maps at page 26 in the Office of the County Recorder of Alameda County; thence westerly along the northerly line of Berkeley Way 255.75 feet, more or less, to the easterly line of Shattuck Avenue as said line now exists; thence northerly along the easterly line of Shattuck Avenue 10.02 feet, more or less; thence easterly along a line parallel to the northern line of Berkeley Way and 10.00 feet distant therefrom 255.05 feet, more or less, to the westerly line of Walnut Street; thence southerly along said westerly line 10.00 feet to the point of beginning.

Payment to city

(2) To pay to the City of Berkeley the amount that it expends in widening and paving Berkeley Way and Hearst Avenue between Shattuck Avenue and Oxford Street, not to exceed ten thousand dollars ($10,000).

Appropriation

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury, ten thousand dollars ($10,000) to

the Department of Finance to be expended in carrying out the purpose of this act.

SEC. 3. A copy of each deed of conveyance executed and delivered by the Director of Finance, and of each deed conveying lands to the State, pursuant to this act shall be delivered to the State Lands Commission. Delivery of copy deeds

CHAPTER 1542

An act to amend Section 161b of the Civil Code, relating to payments or refunds made pursuant to employee benefit plans or savings plans.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.] In effect September 22, 1951

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

SECTION 1. Section 161b of the Civil Code is amended to read:

161b. Notwithstanding the provisions of Section 161a and 172 of this code, whenever payment or refund is made to an employee, former employee or his beneficiary or estate pursuant to a written retirement, death or other employee benefit plan or savings plan, such payment or refund shall fully discharge the employer and any trustee or insurance company making such payment or refund from all adverse claims thereto unless, before such payment or refund is made, the employer or former employer, where the payment is made by the employer or former employer, has received at its principal place of business within this State, written notice by or on behalf of some other person that such other person claims to be entitled to such payment or refund or some part thereof or where a trustee or insurance company is making the payment, such notice has been delivered by the employer to the home office of such trustee or such insurance company or has otherwise been received thereby; provided, however, that nothing contained in this section shall affect any claim or right to any such payment or refund or part thereof as between all persons other than the employer and the trustee or insurance company making such payment or refund. Effect of payment, etc

CHAPTER 1543

An act to amend Sections 20131 and 20751 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.] In effect September 22, 1951

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

SECTION 1. Section 20131 of the Government Code is amended to read:

Credit of interest on contributions

20131. The board shall credit all contributions of members, retired members, the State, and contracting agencies in the Retirement Fund with interest at the current rate, compounded at each June 30th. In crediting interest for any fiscal year to contributions of members made during that year, the board may apply one interest rate to the total of such contributions made through the month next preceding the date through which interest is credited, under the assumption that such contributions were made in equal monthly amounts from the July 1st next preceding, to said month, both inclusive.

SEC. 2. Section 20751 of the Government Code is amended to read:

Appropriation Retirement fund

20751. From the General Fund in the State Treasury there is appropriated monthly to the Retirement Fund the State's contribution for:

(a) All state miscellaneous members and all other categories of members whose compensation is paid from the General Fund.

(b) All university members whose compensation is paid from funds of the university.

(c) All state miscellaneous members who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for state contributions to the retirement system.

(d) All state miscellaneous members whose compensation is paid from moneys in the Division of Architecture Revolving Fund or the Water Resources Revolving Fund, where such moneys were derived from an appropriation from the General Fund.

Operative date

SEC. 3. This act shall become effective on the first day of the month next succeeding the ninetieth day after the final adjournment of the 1951 Regular Session of the Legislature.

CHAPTER 1544

An act creating the "Lake County Flood Control and Water Conservation District" for the controlling, conservation, diversion, storage and disposition of storm, flood, and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

"Lake County Flood Control and Water Conservation District"

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

All that territory of the County of Lake lying within the exterior boundaries thereof.

Definitions

SEC. 2. As used in this act:

"District" means the Lake County Flood Control and Water Conservation District.

"Board" means the board of directors of the district.

Objects and purposes

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Powers of district

Succession

(a) To have perpetual succession.

Suits

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

Seal

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

Property

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

Acquisition of property

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

Eminent domain

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

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

Intersections

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

Maintenance, etc., of levees, etc

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

Incurrence of indebtedness, etc

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

Assessments

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

Employees

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

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

Funds

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

Contracts

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United

States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

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

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

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

(q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses. Flood control

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act. Cooperation

SEC. 4. The board of supervisors of the County of Lake shall be, and they are hereby designated as, and empowered to act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise District board

provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of supervisors shall serve without additional compensation for acting as a member of the board of the district, except that each member shall be allowed his actual, necessary and reasonable traveling expenses. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, 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 of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

Interest of director

SEC. 5. No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

Ex officio officers, etc

SEC. 6. The county clerk, county assessor, county tax collector, county auditor, county treasurer, county surveyor, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by said board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

Adoption of ordinances, etc

SEC. 7. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties.

Claims against district

SEC. 8. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

SEC. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or water works shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose. Title to property

SEC. 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder. Contracts Limitation

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3.

Limitation on indebtedness, etc

SEC. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the execution of contracts with the United States.

Levy of tax

SEC. 12. The board in any year shall have the power to levy a tax upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of three cents ($0 03) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

Tax as lien

SEC. 13. All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

Equalization of assessments

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

Presumption of validity

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

Procedure

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the

purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district.

Construction

SEC. 14. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory.

Same

SEC. 15. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvements done thereunder.

Invalidity

SEC. 16. 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 of such provision to other persons or circumstances, shall not be affected thereby.

Short title

SEC. 17. This act shall be known as the "Lake County Flood Control and Water Conservation District Act."

CHAPTER 1545

An act to add Section 65006 to, and to amend Section 65131 of the Government Code, relating to conservation and planning.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 65131 of the Government Code is amended to read:

Compensation

65131. All members of a city or county commission may receive compensation for their attendance at each meeting in a sum to be fixed by the legislative body by which they are appointed in addition to reasonable traveling expenses to and from their usual place of business to the place of meeting of the commission. The compensation of members of a city commission shall not exceed ten dollars ($10) a meeting nor fifty dollars ($50) in any calendar month in addition to such traveling expenses.

SEC. 2. Section 65006 is added to said code, to read:

Stats. 1947, p. 1909

65006. This chapter is a continuation of the Conservation and Planning Act and any acts lawfully performed pursuant to such act or its predecessors, including but not limited to the adoption of master and official or precise plans and the creation of planning commissions, are continued in effect and deemed to fulfill the requirements of this chapter.

CHAPTER 1546

An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 141 of the Streets and Highways Code is amended to read:

Additional powers

141. In addition to the other powers relating to state highways granted to it by laws, the department may:

(a) Make investigations to place at the service of the State the most approved methods of highway construction, improvement, and maintenance.

(b) Compile statistics relative to the highways of the various counties and cities and of the districts formed to construct, improve or maintain such highways.

(c) Determine the methods of highway construction, improvement, and maintenance best adapted to the various sections of the State, and the best methods of construction, improvement, and maintenance of highways, making experiments in relation thereto from time to time.

(d) Call upon any state, county, city or district official to furnish any information which such official has and which relates to, or is in any way necessary to the proper performance of, the highway work of the department. Any such official shall furnish such information without charge.

(e) The department may join associations of highway officials of other states and others which have been established for not less than 10 years, having as their purpose the interchange of information relating to highway construction, improvement, maintenance and administration.

(f) Direct any of its officers or employees to travel to places outside this State at state expense for the purposes, and when approved, as provided in Section 11032 of the Government Code.

CHAPTER 1547

An act to repeal Section 6851.1 of the Education Code, to amend Section 6851 of said code, and to add Section 6851.1 to said code, all relating to the computation of attendance of physically handicapped minors.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

Repeal

SECTION 1. Section 6851.1 of the Education Code is repealed.

SEC. 2. Section 6851 of said code is amended to read:

Attendance of physically handicapped pupils

6851. Attendance of physically handicapped pupils in a graded special class for the same number of minutes as con-

stitute a day of attendance in the same grade of regular classes shall constitute a day of attendance. Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance. The average daily attendance of all physically handicapped pupils shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district.

SEC. 2. Section 6851.1 is added to said code, to read:

6851.1. With respect to physically handicapped pupils given instruction at home or in a hospital, each clock hour of teaching time devoted to the individual instruction of such pupils shall count as one day of attendance. No provision of Chapter 13 of Division 3 of this code limiting the number of days of attendance with which a pupil may be credited in any one calendar day is applicable to such pupils but no such pupil shall be given individual instruction for more than three hours in any one day or credited with more days of attendance during any fiscal year than the number of days the regular day schools of the district were maintained during such fiscal year. Same

CHAPTER 1548

An act to add Section 103.3 to the Welfare and Institutions Code, relating to public assistance in respect to the construction and administration of the laws relating thereto.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.] In effect September 22, 1951

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

SECTION 1. Section 103.3 is added to the Welfare and Institutions Code, to read:

103.3. The provisions of this code relative to public assistance for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public assistance shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds. Administration of provisions

CHAPTER 1549

An act making an appropriation for support of Grand National Junior Livestock Exposition, No. 1-A District Agricultural Association.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

Appropriation Grand National Junior Livestock Exposition, No 1-A District Agricultural Association

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

SECTION 1. The sum of sixty-five thousand dollars ($65,000), or so much thereof as may be necessary, is hereby appropriated during the 1951-52 Fiscal Year from any moneys

in the Fair and Exposition Fund available for permanent improvements on the property of the State, citrus fruit fairs, counties or district agricultural associations for fair purposes, allotted by Section 19626 of the Business and Professions Code, for support of the Grand National Junior Livestock Exposition, No. 1-A District Agricultural Association

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CHAPTER 1550

An act providing for the constitution of the municipal court in a district embracing the Township of Oceanside, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

Oceanside municipal court Salaries

SECTION 1. The municipal court established in a district embracing the Township of Oceanside shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge who shall receive nine thousand dollars ($9,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint the following:

One deputy clerk, who shall receive three thousand three hundred sixty dollars ($3,360) per annum, payable in equal monthly installments;

(3) There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) per annum, payable in equal monthly installments.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county.

Sessions

SEC. 2. The municipal court shall hold sessions in the City of Oceanside, only.

CHAPTER 1551

An act providing for the constitution of the municipal court in a district embracing the City of Chula Vista and all of National Township, excluding the Cities of National City and

Coronado, to be known and designated as South Bay Judicial District, and prescribing the number and compensation of judges, officers and attaches thereof.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the City of Chula Vista and all of National Township, excluding the Cities of National City and Coronado, to be known and designated as South Bay Judicial District shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

South Bay Judicial District municipal court Salaries

(1) There shall be one judge who shall receive nine thousand dollars ($9,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint the following:

One deputy clerk, who shall receive three thousand three hundred sixty dollars ($3,360) per annum, payable in equal monthly installments;

(3) There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) per annum, payable in equal monthly installments.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county.

SEC. 2. The municipal court shall hold sessions in the City of Chula Vista, only.

Sessions

CHAPTER 1552

An act providing for the constitution of the municipal court in a district embracing the Township of El Cajon, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal court established in a district embracing the Township of El Cajon shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

El Cajon municipal court Salaries

(1) There shall be one judge who shall receive nine thousand dollars ($9,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint the following:

Two deputy clerks, each of whom shall receive three thousand three hundred sixty dollars ($3,360) per annum, payable in equal monthly installments;

(3) There shall be one marshal, who shall receive five thousand one hundred dollars ($5,100) per annum, payable in equal monthly installments and who may appoint one deputy marshal, who shall receive three thousand nine hundred sixty dollars ($3,960) per annum, payable in equal monthly installments.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county.

Sessions

SEC. 2. The municipal court shall hold sessions in the Cities of El Cajon and La Mesa.

CHAPTER 1553

An act to amend Sections 1063, 1090, 1091, 1195, 1223, 1224, 1457, 1458, 1505, 1530, 1531, 1532, 1651, 1750, 1953.5, 3060, 6100, 6108, 6109, 23360, 23420, 23422, 23427, 24001, 24007, 24051, 24052, 24055, 24057, 24101, 24150, 24200, 24204, 24350, 24351, 24353, 25200, 25300, 25304, 26520, 26524, 26665, 26806, 26823, 26824, 27082, 27531, 27557, 27820, 27822, 27824, 28111, 29040, 29140, 29320, 29603, 29605, 29610, 31001, 31200, 31201, 31469, 31555, 31980, 31984, 32050.5, 34856, 36501, 36505, 36523, 36601, 36602, and 53679 of, and to add Section 28101.1 to, the Government Code; to amend the headings of Article 4 of Chapter 3 of Division 1 of Title 3 and of Part 4 of Division 2 of Title 3 of the Government Code; to repeal the headings of Chapters 1 and 2 of Part 4 of Division 2 of Title 3 of the Government Code; to repeal Chapter 5 of Part 3 of Division 3 of Title 4 of the Government Code; to repeal Sections 34709, 35739, and 35845 of the Government Code; all relating to courts of justice, judicial districts, and various officers and employees thereof.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

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

SECTION 1. Section 1063 of the Government Code is amended to read:

Absence from State

1063. No officer of a county or judicial district shall absent himself from the State for more than five days unless either:

(a) Upon business for the State, county or judicial district,

(b) With the consent of the board of supervisors of the county.

In no case shall such officer absent himself from the State for more than two months without the consent of the board of supervisors, with the written approval of the Governor, nor shall such absence continue for a period exceeding six months in any one year.

SEC. 2. Section 1090 of the Government Code is amended to read:

Interest in contract made in official capacity

1090. Members of the Legislature, state, county, judicial district and city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.

SEC. 3. Section 1091 of the Government Code is amended to read:

Sales or purchases made in official capacity

1091. State, county, judicial district and city officers shall not be purchasers at any sale nor vendors at any purchase made by them in their official capacity.

SEC. 4. Section 1195 of the Government Code is amended to read:

Withholding of salary or fee

1195. Every officer of the State, or of any county, city, or judicial district who accepts, keeps, retains or diverts for his own use or the use of any other person any part of the salary or fees allowed by law to his deputy, or other subordinate officer, is guilty of a felony.

SEC. 5. Section 1223 of the Government Code is amended to read:

Traveling expenses

1223. When traveling expenses are allowed by law to any state, county, judicial district, or city officer, he may contract with the appropriate authorities for an allowance or mileage rate for the use of vehicles owned or rented and used by him in the performance of duty, in lieu of the usual transportation charges.

SEC. 6. Section 1224 of the Government Code is amended to read:

Refund of postage

1224. Any money paid by a state, county, judicial district, or city officer for United States postage for use in conducting the official business of his office may be refunded to him by claim allowed in accordance with law.

SEC. 7. Section 1457 of the Government Code is amended to read:

Bonds of county, etc., officers

1457. Unless otherwise provided, the official bonds of officers of a county and judicial district shall be approved by the judge of the superior court, recorded in the office of the county recorder, and then filed in the county clerk's office.

SEC. 8. Section 1458 of the Government Code is amended to read:

Approval of other bonds

1458. The bonds of supervisors, treasurers, county clerks, auditors, sheriffs, tax collectors, district attorneys, recorders, assessors, surveyors, superintendents of schools, public administrators, coroners, judges of a justice court, and constables shall

be approved by the judge or a majority of judges, if there be more than one, of the superior court before the bonds can be recorded and filed. In counties having five or more judges, the approval of three judges is sufficient.

SEC. 9. Section 1505 of the Government Code is amended to read:

Special liability on bond

1505. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer of a county or judicial district for nonperformance or malperformance of official duties, the liability therefor attaches to the official bond of the officer, and to the principal and sureties thereon.

SEC. 10. Section 1530 of the Government Code is amended to read:

Several justification of sureties

1530. The officer whose duty it is to approve official bonds required of state officers and of officers of a county or judicial district not named in Section 1458 shall not accept or approve any such bond unless each of the sureties severally justify before an officer authorized to administer oaths, as follows:

(a) On a bond given by a state officer, that such surety is a resident and freeholder, or householder, within the State.

(b) On a bond given by an officer of a county or judicial district not named in Section 1458, that such surety is a resident and freeholder, or householder, within such county or within an adjoining county.

(c) That such surety is worth the amount for which he becomes surety, over and above all his debts and liabilities, in unencumbered property situated within the State, exclusive of property exempt from execution and forced sale.

SEC. 11. Section 1531 of the Government Code is amended to read:

Approval of sureties

1531. The sureties on the bonds of all officers of a county or judicial district named in Section 1458 shall first be approved by the judge or judges of the superior court as is provided for the approval of the bond of their principals, before their principals' bonds may be recorded and filed. All persons offered as sureties may be examined on oath touching their qualifications.

No person can be admitted as surety on any such bond unless he is:

(a) A resident and freeholder, or householder, within the State.

(b) Worth in real or personal property, or both, situate in the State, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale.

SEC. 12. Section 1532 of the Government Code is amended to read:

Disqualification as surety

1532. A member of the board of supervisors shall not be accepted as surety upon the official bond of any officer of a county or judicial district of his county. The sheriff, county clerk, tax collector, treasurer, recorder, auditor, assessor, or

district attorney of the same county shall not become sureties upon official bonds for each other.

SEC. 13. Section 1651 of the Government Code is amended to read:

1651. The premium or charge for bonds given by surety companies for the officers, herein named, and for their deputies, clerks, assistants or subordinate officers shall be paid as follows: Payment of bond premium, etc.

(a) State officers, by the State.

(b) County officers, by the county.

(c) Officers of a judicial district, by the county in which the district is situated.

(d) School districts or other special district officers, by the school district or other special district, respectively.

(e) City officers, by the city.

SEC. 14. Section 1750 of the Government Code is amended to read:

1750. Resignations shall be in writing, and made as follows: To whom resignations made

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties.

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

SEC. 15. Section 1953.5 of the Government Code is amended to read:

1953.5. No officer of the State, or of any district, county, city and county, city, or judicial district, is liable for moneys stolen from his official custody unless the loss was sustained because the officer failed to exercise due care. Liability for stolen funds

SEC. 16. Section 3060 of the Government Code is amended to read:

3060. An accusation in writing against any officer of a district, county, or city, for wilful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors. Accusation of misconduct

SEC. 17. Section 6100 of the Government Code is amended to read:

6100. Officers of the State, or of a county or judicial district, shall not perform any official services unless upon the Performance for fees only

payment of the fees prescribed by law for the performance of the services, except as provided in this chapter.

SEC. 18. Section 6108 of the Government Code is amended to read:

When no fees chargeable

6108. No officer of a county or judicial district shall charge or receive any fee or compensation for administering or certifying the oath of office or for filing or swearing to any claim or demand against any county in the State.

SEC. 19. Section 6109 of the Government Code is amended to read:

Receipt for fees

6109. Every officer of a county or judicial district, upon receiving any fees for official duty or service, may be required by the person paying the fees to make out in writing and to deliver to the person a particular account of the fees. The account shall specify for what the fees, respectively, accrued,

Penalty

and the officer shall receipt it. If the officer refuses or neglects to do so when required, he is liable to the person paying the fees in treble the amount so paid.

Heading

SEC. 20. The heading of Article 4 of Chapter 3 of Division 1 of Title 3 of the Government Code is amended to read:

Article 4. Districts

SEC. 21. Section 23360 of the Government Code is amended to read:

Division into judicial, etc., districts

23360. If the board of supervisors by resolution determines the facts required by Section 23344, it shall divide the proposed new county into a convenient number of judicial, road and school districts, and define their boundaries and designate the names of such districts.

SEC. 22. Section 23420 of the Government Code is amended to read:

Superior court judge

23420. At the election of officers of the proposed new county, there shall be chosen one judge of the superior court of the new county, whose salary shall be five thousand dollars ($5,000) per annum, payable at the same time and in the same manner as salaries of the judges of the superior court of the several counties of the State are paid. There shall also be elected such county and district officers as are provided for in counties of the class to which the new county is determined to belong except as provided in this article

SEC. 23. Section 23422 of the Government Code is amended to read:

Incumbent judges, etc

23422. All duly elected, qualified, and acting judges of the justice courts and constables residing within the new county at the time of the division of the county into judicial districts shall hold office as judges of the justice courts or constables in the new county for the remainder of the term for which they were elected upon qualifying as judges of the justice courts or constables for the respective judicial districts in which they reside.

SEC. 24. Section 23427 of the Government Code is amended to read:

Vacancies in office

23427. If by reason of the formation of the new county, any vacancies in the offices of supervisors, judges of the justice courts, constables, or school trustees are created in the old county or counties, the vacancies shall be filled as provided by law for the unexpired terms of such officers.

SEC. 25. Section 24001 of the Government Code is amended to read:

Qualifications

24001. A person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the State, and an elector of the county or district in which the duties of the office are to be exercised.

SEC. 26. Section 24007 of the Government Code is amended to read:

Oaths, etc., on re-entry into service

24007. If any officer, deputy, assistant, or employee of a county or judicial district was required by law to file an oath of office or to execute a bond prior to his original entry upon the duties of the office or employment, he shall file an oath and execute a bond in like manner and form prior to his re-entry upon the duties of the office or employment pursuant to the Military and Veterans Code.

SEC. 27. Section 24051 of the Government Code is amended to read:

Annual inventories

24051. On or before July 10th in each year, each county officer or person in charge of any office, department, service, or institution of the county, each officer of a judicial district, each judge, or the clerk, secretary, or other administrative officer of each court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the board of supervisors or for which the board is ex officio the governing body shall file with the county clerk, or with the county auditor, according to the procedure prescribed by the board, an inventory under oath, showing in detail all county property in his possession or in his charge at the close of business on the preceding June 30th. The inventories shall be kept of record by the county clerk or auditor for at least five years Any inventory which has been on file for five years or more on September 15, 1945, may be destroyed. A true copy of the inventory shall be delivered by the person who made it to his successor in office, who shall receipt for it. The receipt shall be filed with the county clerk or county auditor.

SEC. 28. Section 24052 of the Government Code is amended to read:

Costs of publishing notices

24052. Whenever notice is required by law to be published in a newspaper by any officer of a county or judicial district, the person for whom the notice is to be given shall pay to the officer, if required, the fees for the publication, in advance. Failure of any officer to publish any notice required by law pertaining to the duties of his office is a misdemeanor.

SEC. 29. Section 24055 of the Government Code is amended to read:

Failure to pay over fines, etc

24055. Any clerk, judge of a justice court, sheriff, or constable who receives any fine or forfeiture and refuses or neglects to pay it over according to law and within 30 days after its receipt is guilty of a misdemeanor.

SEC. 30. Section 24057 of the Government Code is amended to read:

Administering oaths

24057. Every county officer and his deputies and every judge of a justice court may administer and certify oaths.

SEC. 31. Section 24101 of the Government Code is amended to read:

Appointment of deputies

24101. Every county or district officer, except a supervisor or judicial officer, may appoint as many deputies as are necessary for the prompt and faithful discharge of the duties of his office.

SEC. 32. Section 24150 of the Government Code is amended to read:

Prescribing official bonds

24150. Prior to the primary election immediately preceding the election of county officers, the board of supervisors shall prescribe the amounts of the official bonds of the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, judge of a justice court, and constable.

SEC. 33. Section 24200 of the Government Code is amended to read:

Election date beginning of term

24200. Except as otherwise provided, all elective county officers shall be elected at the general election at which the Governor is elected, and take office at 12 o'clock noon on the first Monday after the January 1st succeeding their election.

SEC. 34. Section 24204 of the Government Code is amended to read:

Appointive officers

24204. Whenever any county frames and adopts a charter for its government, which is approved by the Legislature, and the charter provides for the appointment of any officers of a county or constables, the officers first appointed under the charter are the successors of the like elective officers in office at the time of the approval of the charter. The elective officers shall continue to hold office for the term for which they were elected and until the appointment and qualification of their successors under the charter. No election for any officer whose successor is to be appointed shall be had at any election held subsequent to the approval of the charter, except to fill a vacancy for an unexpired term.

SEC. 35. Section 24350 of the Government Code is amended to read:

Collection and disposition of fees

24350. Each salaried officer of a county or judicial district shall charge and collect for the use of his county and pay into the county treasury on or before the fifth day of each month the fees allowed by law in all cases, except those or a percentage of them allowed him, and those which are a charge against the county.

SEC. 36. Section 24351 of the Government Code is amended to read:

24351. Each officer of a county or judicial district shall on the certificate of the auditor immediately deposit in the county treasury all trust money coming into his possession officially. Trust money so deposited shall be withdrawn only on a warrant issued by the county auditor drawn upon an order of the court into which the money was paid, or upon requisition of the officer depositing the money where no court proceedings are had. Trust money

SEC. 37. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county treasury at the time required by law, but in any event on or before the fifth day of each month, all money collected by him or under his control during the preceding month that is payable into the treasury and file with the county auditor, on or before the fifth day of each month, a cash statement, in such form as the auditor requires, of all money handled by him in his official capacity during the preceding month, showing cash on hand at the beginning of the month, collections and payments during the month, and cash on hand at the end of the month. Each item shall be properly classified as to funds and accounts affected and as to whether or not it is payable into the county treasury. Payment of money into treasury

SEC. 38. Section 25200 of the Government Code is amended to read:

25200. The board of supervisors may divide the county into election, school, road, supervisorial, sanitary, and other districts required by law, change their boundaries, and create other districts, as convenience requires. Division into election etc., districts

SEC. 39. Section 25300 of the Government Code is amended to read:

25300. The board of supervisors shall regulate the compensation of all county officers, other than the board of supervisors, the district attorney, and the auditor, and the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the county. Regulation of compensation

SEC. 40. Section 25304 of the Government Code is amended to read:

25304. The board of supervisors shall fill by appointment all vacancies that occur in any office filled by the appointment of the board and elective county officers, except judge of the superior court and supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election. Filling vacancies

SEC. 41. Section 26520 of the Government Code is amended to read:

26520. When required and without fee, the district attorney shall give his opinion in writing to county and district officers on matters relating to the duties of their respective offices. Legal opinions

SEC. 42. Section 26524 of the Government Code is amended to read:

Representation of court, etc

26524. Upon request of any judge of the superior, municipal or justice court or constable, the district attorney shall appear for and represent the court or judge or constable if the court or judge or constable in his official capacity is a party defendant in any action.

SEC. 43. Section 26665 of the Government Code is amended to read:

Service of writs, etc.

26665. All writs, notices, or other process issued by superior, municipal, or justice courts in civil actions or proceedings may be served by any duly qualified and acting constable, marshal, or sheriff of any county in the State, subject to the Code of Civil Procedure.

SEC. 44. Section 26806 of the Government Code is amended to read:

Los Angeles County Interpreters

26806. (a) In counties having a population of 900,000 or over, the county clerk may employ as many foreign language interpreters as may be necessary to interpret in criminal cases in the superior, municipal, and justice courts, and in the juvenile court within the county and to translate documents intended for filing in any civil or criminal action or proceeding or for recordation in the county recorder's office.

(b) The county clerk, as clerk of the superior court, shall, when interpreters are needed, assign the interpreters so employed to interpret in criminal and juvenile cases in the superior court. When their services are needed, he shall also assign interpreters so employed to interpret in criminal cases in municipal and justice courts.

(c) The county clerk may also assign the interpreters so employed to interpret in civil cases in superior, municipal, and justice courts when their services are not required in criminal or juvenile cases and when so assigned, they shall collect from the litigants the fee fixed by the court and shall deposit the same in the county treasury.

(d) The interpreters so employed shall, when assigned to do so by the county clerk, translate documents to be recorded or to be filed in any civil or criminal action or proceeding. The fee to be collected for translating each such document shall be three dollars ($3) per folio for the first folio or part thereof, and two cents ($0.02) for each word thereafter. For preparing a carbon copy of such translation made at the time of preparing the original, the fee shall be twelve cents ($0.12) per folio or any part thereof. All such fees shall be deposited in the county treasury.

SEC. 45. Section 26823 of the Government Code is amended to read:

Fees, Change of venue

26823. When the venue in a case in a superior court is changed, the fee for making up and transmission of transcript and papers is two dollars ($2) and a further sum equal to the fee for filing in the court to which the case is transferred. The

clerk shall transmit the filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

SEC. 46. Section 26824 of the Government Code is amended to read:

26824. The fee for filing the papers transmitted on appeal from a justice court in a civil action or a special proceeding is eight dollars ($8). Appeal

SEC. 47. Section 27082 of the Government Code is amended to read:

27082. Upon receiving from the coroner, or judge of the justice court acting as coroner, money found on a dead body, the treasurer shall place it to the credit of the county. The money shall be kept in a separate fund. If the legal representatives of the decedent demand the money in the treasury belonging to the decedent within six years, the treasurer shall pay it to them, after deducting the fees and expenses of the coroner and of the county in relation to the matter, or the money may be paid at any time thereafter upon the order of the board of supervisors. Money found on dead body

SEC. 48. Section 27531 of the Government Code is amended to read:

27531. If the office of coroner is vacant, or if he is absent or unable to attend, the duties of his office may be discharged by any judge of the justice court of the county with like authority and subject to the same obligations and penalties as the coroner. Vacancy in coroner's office

SEC. 49. Section 27557 of the Government Code is amended to read:

27557. The surveyor shall plat, trace, blueprint, or otherwise make all county, road, district, and other maps and all assessors' block-books for the county. County maps

SEC. 50. The heading of Part 4 of Division 2 of Title 3 of the Government Code is amended to read: Heading

PART 4. CONSTABLES

SEC. 51. The headings of Chapters 1 and 2 of Part 4 of Division 2 of Title 3 of the Government Code are repealed. Repeal

SEC. 52. Section 27820 of the Government Code is amended to read:

27820. Constables shall attend the justice court of the judicial district in which they are appointed or elected to act whenever so required, and within their counties shall execute, serve and return all writs, processes and notices directed or delivered to them by judges of the justice courts or by competent authority. Duties

SEC. 53. Section 27822 of the Government Code is amended to read:

27822. If a pound district is created by the board of supervisors pursuant to law, and no poundmaster is appointed for the district, or if appointed has not qualified, the constable shall perform the duties of the poundmaster in districts in the judicial district for which he is elected or appointed and shall collect for his services the fees allowed by law to poundmasters. Poundmaster

SEC. 54. Section 27824 of the Government Code is amended to read:

Travel outside district

27824. A constable shall not be required to travel outside of his judicial district to serve any civil process or notice.

SEC. 55. Section 28101.1 is added to said code, to read:

Definitions

28101.1. Wherever in this chapter the terms "justices' court" or "justice of the court" are used, they shall be construed to mean "justice court" or "judge of a justice court."

SEC. 56. Section 28111 of the Government Code is amended to read:

Kern County officers Salaries

28111. In a county of the eleventh class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, eight thousand seven hundred fifty dollars ($8,750) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, seven thousand two hundred dollars ($7,200) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) For attending as a grand juror, for each day's actual attendance, six dollars ($6), and fifteen cents ($0.15) a mile for each mile actually traveled in going only.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justices' courts, three dollars ($3), for each day of actual service as a juror.

The judge or justice of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

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

Operative date

If it is not legally competent to pay the compensation provided by this section to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be

payable to the officers designated in this act as soon as it is legally competent to do so.

SEC. 57. Section 29040 of the Government Code is amended to read:

Estimate of revenues and expenditures

29040. On or before July 10th in each year as the board directs, each county official or person in charge of any office, department, service, institution, or district of the county, including officers of justice court districts, the judges of any court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the board or for which the board is ex officio the governing body, except irrigation and reclamation districts, and other districts for which a tax levy is not carried on the regular county assessment roll, shall file with the county auditor an itemized estimate of anticipated revenue and expenditures.

SEC. 58. Section 29140 of the Government Code is amended to read:

Appropriations

29140. The estimates of expenditures, as finally fixed and adopted by the board or as thereafter revised by addition, cancellation, or transfer, constitute the appropriations for the county for the period to which the budget is intended to apply. Except as otherwise provided by law, the board and every other county official or person, including officers of justice court districts and judges of any court of record, shall be limited in the making of expenditures or the incurring of liabilities to the amount of the appropriations allowed by the budget.

SEC. 59. Section 29320 of the Government Code is amended to read:

"Officer of the county"

29320. As used in this article, "officer of the county" includes any elective or appointive officer of a county or judicial district and any person in charge of any office, department, service, or institution of the county, except a deputy or assistant of a county officer.

SEC. 60. Section 29603 of the Government Code is amended to read:

Charges against county Jury expenses

29603. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases tried in a superior court, municipal court, or justice court are county charges.

SEC. 61. Section 29605 of the Government Code is amended to read:

Judges of justice courts

29605. All charges and accounts for services rendered by any judge of a justice court in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law, are county charges.

SEC. 62. Section 29610 of the Government Code is amended to read:

County officers

29610. The actual and necessary expenses of the county auditor, clerk, registrar of voters, district attorney, assessor, sheriff, public administrator, coroner, recorder, tax collector, probation officer, surveyor, and treasurer, and, with prior approval of the board of supervisors, necessary deputies for each

such officer, one judge of a justice court chosen by the judges of the justice courts, and one constable chosen by the constables, incurred while traveling to and from and while attending the annual convention of his respective association, not to exceed one hundred dollars ($100) for each such officer and each such deputy, are county charges.

SEC. 63. Section 31001 of the Government Code is amended to read:

Legal counsel

31001. The board of supervisors of any county not having a charter which creates the office of county counsel may employ and contract with counsel to assist the district attorney in representing and advising it and all district officers in all matters and questions of law pertaining to their duties and to civil legal questions affecting the county or districts.

SEC. 64. Section 31200 of the Government Code is amended to read:

Tax levy

31200. The board of supervisors may levy a special tax to be used for the payment of pensions and annuities to employees of a county and judicial district under such pension, retirement, and benefit systems or associations as are established by law for employees of a county and judicial district.

SEC. 65. Section 31201 of the Government Code is amended to read:

Payment on separation

31201. If a member of a retirement system established by the county for officers or employees of a county or judicial district, or for any portion of them, separates from the service of the county before retirement and the separation is for any cause other than permanent disability, there shall be paid to him, or in case of his death to his legal representative, all the money paid in by him as his contribution toward retirement under the system and accumulated interest thereon.

SEC. 66. Section 31469 of the Government Code is amended to read:

"Employee"

31469. (a) "Employee" means any officer or other person employed by a county whose compensation is fixed by the board of supervisors or by statute and whose compensation is paid by the county, and any officer or other person employed by any district within the county.

(b) "Employee" includes any judge of a justice court.

(c) "Employee" includes any officer or attache of any superior court or municipal court which has been brought within the operation of this chapter.

(d) "Employee" includes any officer or other person employed by a district as defined in subdivision (c) of Section 31468 and whose compensation is paid from funds of the district.

SEC. 67. Section 31555 of the Government Code is amended to read:

Municipal court officers, etc
Stats 1925, p. 648
Stats 1949, p. 2681

31555. All officers and attaches of any municipal court established within the county under the Municipal Court Act of 1925 or Municipal and Justice Court Act of 1949, except judges and officers or attaches who are participants in any sys-

tem established pursuant to Chapter 4, become members of the association on the first day of the month after the board of supervisors adopts by four-fifths vote a resolution providing for their inclusion. Thereafter each person entering such employ becomes a member on the first day of the month after his entrance into the service of the court.

SEC. 68. Section 31980 of the Government Code is amended to read:

Exclusive system

31980. The system established under this chapter or its predecessor is exclusive, and persons entitled to membership in this system shall not participate in any other system provided for officers or employees of a county or judicial district.

SEC. 69. Section 31984 of the Government Code is amended to read:

Election to become member

31984. Any person who is eligible to participate in this system and who is a member of or participant in, or is eligible for membership or participation in, any other pension system provided by law for officers or employees of a county or judicial district may elect to become a member of this system, except as provided in Section 31982. Upon his election to participate in this system he is ineligible for membership or participation in any other retirement or pension system for officers or employees of a county or judicial district.

SEC. 70. Section 32050.5 of the Government Code is amended to read:

Computing time of service

32050.5. In computing the time of service of any county peace officer as defined in Section 31904, subdivision (a), there shall be included all time served as a constable or deputy constable of any township or judicial district in the county, whether continuous or broken.

Repeal

SEC. 71. Section 34709 of the Government Code is repealed.

SEC. 72. Section 34856 of the Government Code is amended to read:

Powers of city manager

34856. The city manager may appoint and dismiss the chief of police and other subordinate officers except the city clerk, the city attorney, and the city treasurer.

Repeal

SEC. 73. Sections 35739 and 35845 of the Government Code are repealed.

SEC. 74. Section 36501 of the Government Code is amended to read:

Government of sixth class cities

36501. The government of a sixth class city is vested in:

(a) A city council of five members.

(b) A city clerk.

(c) A city treasurer.

(d) A chief of police.

(e) Such subordinate officers or employees as are provided for by law.

SEC. 75. Section 36505 of the Government Code is amended to read:

Appointment of officers

36505. The city council shall appoint the chief of police. It may appoint a city attorney, a superintendent of streets, a

civil engineer, and such other subordinate officers or employees as it deems necessary.

SEC. 76. Section 36523 of the Government Code is amended to read:

Treasurer's departmental trust fund

36523. By ordinance or resolution, the city council may provide for a treasurer's departmental trust fund into which collections of the police department and other officers authorized to make collections may be deposited at frequent intervals during each month. Officers or employees shall advise the city treasurer upon making each deposit.

SEC. 77. Section 36601 of the Government Code is amended to read:

Government of fifth class cities

36601. The government of a fifth class city is vested in:

(a) A board of five trustees which is the city council.

(b) A board of education of five members.

(c) A recorder.

(d) A treasurer.

(e) A clerk.

(f) An attorney.

(g) A city marshal who is the chief of police.

(h) An assessor.

(i) Such subordinate or other officers as are provided for by law.

SEC. 78. Section 36602 of the Government Code is amended to read:

Mayor

36602. The president of the board of trustees is the mayor.

Repeal

SEC. 79. Chapter 5 of Part 3 of Division 3 of Title 4 of the Government Code, embracing Sections 41400-41439, inclusive, is repealed.

SEC. 80 Section 53679 of the Government Code is amended to read:

Money of local agency

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer and all money coming into the possession of a judge of a justice court or officer of a justice court shall be deposited as active deposits in the state or national bank in this State selected by the officer, employee, or judge of the justice court. Such money is subject to this article except:

(a) Security is not required for deposits pursuant to this section which are insured under any federal law.

(b) Interest is not required on money deposited by a judge of a justice court or officer of a justice court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3.

Operative date

SEC. 98. The provisions of this act, except Section 56, shall not become operative before January 1, 1952, and the provisions thereof do not affect any municipal, justice's, police or city court which continues to exist as presently organized or

any judge, justice, officer or employee of such court, but such courts and judges, justices, officers and employees shall be governed until January 5, 1953, by the same laws and with the same force as if this act had not been enacted; and those laws are hereby expressly continued in force and effect, and the text thereof preserved, for such courts and judges, justices, officers and employees until January 5, 1953. Section 56 of this act shall take effect on the ninety-first day after final adjournment of the 1951 General Session of the Legislature.

CHAPTER 1554

An act to amend Section 28 of "An act to amend Section 753 of the Revenue and Taxation Code, to amend and renumber Sections 754 to 758, inclusive, 1831 to 1834, inclusive, and 1882.5 of said code, to add thereto new sections to be numbered 754, 757, 1831 to 1838, inclusive, 1904 to 1908, inclusive, and to add Article 4, comprised of Sections 2001 to 2005, inclusive, to Chapter 2, Part 3, Division 1 of said code, all relating to property taxation and providing for the assessment of property, the equalization of assessments and the adjustment thereof for allocations of state funds, and the adjustment of tax rates to promote equity in tax burdens and providing when certain provisions of this act shall take effect," approved July 29, 1949, relating to property taxation and the allocation of state funds; declaring the urgency thereof, to take effect immediately.

Stats 1949, p 2548, amended

[Approved by Governor July 16, 1951. Filed with Secretary of State July 16, 1951.]

In effect immediately

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

SECTION 1. Section 28 of the act cited in the title hereof is amended to read:

Sec. 28. The provisions of Sections 1 to 27, inclusive, of this act shall take effect on September 2, 1950, to the end that they shall be operative for the first time with respect to assessments made as of the first Monday in March, 1953, and taxes levied and funds allocated on the basis thereof. Meanwhile, when funds are available for that purpose, the State Board of Equalization shall proceed with surveys in the manner directed by Section 1831 of the Revenue and Taxation Code, as added by this act, to assure completion of a survey pursuant to that section with respect to each county by the second Monday in July, 1953.

Operative date

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

Urgency

Numerous unsolved problems of such magnitude have arisen as to the scope and application of Chapter 1466 of the Statutes of 1949, that if such law is permitted to become operative on July 1, 1951, as currently contemplated, there is great danger of a serious dislocation in the local tax structure. In order to avoid this situation, and to permit the uninterrupted continuation of the performance of necessary public services supported by revenue raised and distributed locally, it is necessary for the immediate preservation of the public peace, health and safety that this measure be enacted to take effect at once.

CHAPTER 1555

An act to amend Section 11622 of the Insurance Code, relating to insurance.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 11622 of the Insurance Code is amended to read:

Coverage to be afforded

11622. Such plan shall require the issuance of a policy affording coverage in the amount of five thousand dollars ($5,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of ten thousand dollars ($10,000) for bodily injury to or death of all persons as a result of any one accident, and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident, or in such minimum amounts as are necessary to provide exemption from the security requirements of Section 420 of the Vehicle Code or for which proof of ability to respond in damages or adequate protection against liability is otherwise required by law, but shall not require the issuance of a policy affording coverage in excess of said amounts.

CHAPTER 1556

An act providing for the constitution of the municipal court in the district known and designated as the Central Judicial District of Marin County, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

Central Judicial District of Marin County municipal court Salaries

SECTION 1. The municipal court established in a district known and designated as the Central Judicial District of Marin County shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges, each of whom shall receive ten thousand dollars ($10,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly, with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred forty-one dollars ($341) monthly, and who may appoint the following:

Two deputy clerks, each of whom shall receive a minimum salary of two hundred forty-four dollars ($244) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and seventeen dollars ($17) to a maximum of three hundred five dollars ($305) monthly;

Two deputy clerks, each of whom shall receive a minimum salary of two hundred eighteen dollars ($218) monthly, with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred seventy-three dollars ($273) monthly;

(3) The sheriff and his deputies shall act ex officio, as the marshal and deputy marshals of the court.

(4) All fees collected by court officers and attaches or by the ex officio marshal and his deputy marshals shall be deposited in the county treasury.

(5) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1557

An act providing for the constitution of the municipal court in a district embracing the City of North Sacramento, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

North Sacramento municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of North Sacramento shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge who shall receive a salary of twelve thousand dollars ($12,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk (secretary of the court), who shall receive a salary of three hundred fifty dollars ($350) a month and who may appoint the following:

One deputy clerk, who shall receive a salary of two hundred seventy-five dollars ($275) a month;

One deputy clerk, who shall receive a salary of two hundred fifty dollars ($250) a month;

(3) There shall be one marshal who shall receive a salary of three hundred twenty-five dollars ($325) a month.

CHAPTER 1558

An act providing for the constitution of a municipal court in a district embracing the City of Sacramento, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

Sacramento municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of Sacramento shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be three judges, each of whom shall receive twelve thousand dollars ($12,000) per annum, payable in equal monthly installments;

(2) There shall be one clerk, to be appointed by the judges of the court, who shall be secretary of the court and who shall receive five hundred dollars ($500) per month, and who shall appoint the following:

One chief deputy clerk, who shall receive three hundred eighty-five dollars ($385) monthly;

One deputy clerk, who shall receive three hundred thirty-five dollars ($335) monthly;

Two deputy clerks (court clerks), each of whom shall receive three hundred ten dollars ($310) monthly;

One deputy clerk, who shall be in charge of the traffic violations bureau of the court, and who shall receive three hundred ten dollars ($310) monthly;

Two deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly;

One senior stenographer-clerk who shall receive two hundred seventy-five dollars ($275) monthly;

One deputy clerk who shall be a stenographer and who shall receive two hundred seventy-five dollars ($275) monthly;

Four clerks, each of whom shall receive two hundred forty dollars ($240) monthly;

(3) There shall be one marshal to be appointed by the judges of the court, who shall receive five hundred dollars ($500), per month, and who shall appoint the following:

One assistant marshal, who shall receive three hundred thirty-five dollars ($335) monthly;

One chief deputy marshal and one deputy marshal, each of whom shall receive three hundred ten dollars ($310) monthly;

One deputy marshal (stenographer-clerk), who shall receive two hundred seventy-five dollars ($275) monthly;

One deputy marshal clerk, who shall receive two hundred forty dollars ($240) monthly.

CHAPTER 1559

An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Stats 1925, p 648, amended

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 11b of the act cited in the title is amended to read:

Sec. 11b. The municipal court in a city or city and county of the second and three-eighths class shall be constituted, and the judges, officers, and attaches thereof shall receive compensation, as follows:

Sacramento municipal court Salaries

(a) There shall be three judges, each of whom shall receive twelve thousand dollars ($12,000) per annum, payable in equal monthly installments.

(b) There shall be one clerk, to be appointed by the judges of the court, who shall be the secretary of the court, and who shall receive five hundred dollars ($500) per month.

The clerk shall appoint the following:

One chief deputy clerk, who shall receive three hundred eighty-five dollars ($385) per month;

One deputy clerk, who shall receive three hundred thirty-five dollars ($335) per month;

Two deputy clerks, who shall be court clerks and each of whom shall receive three hundred ten dollars ($310) per month;

One deputy clerk, who shall be in charge of the traffic violations bureau of the court, and who shall receive three hundred ten dollars ($310) per month;

Two deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) per month;

One senior stenographer-clerk, who shall receive two hundred seventy-five dollars ($275) per month;

One deputy clerk, who shall be a stenographer, and who shall receive two hundred seventy-five dollars ($275) per month;

Four clerks, each of whom shall receive two hundred forty dollars ($240) per month;

(c) There shall be one marshal, to be appointed by the judges of the court, who shall receive five hundred dollars ($500) per month.

The marshal shall appoint the following:

One assistant marshal, who shall receive three hundred thirty-five dollars ($335) per month;

One chief deputy marshal and one deputy marshal, each of whom shall receive three hundred ten dollars ($310) per month;

One deputy marshal, who shall be a stenographer-clerk, who shall receive two hundred seventy-five dollars ($275) per month;

One deputy marshal who shall be a clerk, who shall receive two hundred forty dollars ($240) per month.

CHAPTER 1560

An act to amend Sections 441, 445, and 451 of the Education Code, relating to compensation for public service.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 441 of the Education Code is amended to read:

County superintendents of schools Lassen County

441. The annual salary of the county superintendent of schools of a county of the forty-first class is four thousand eight hundred dollars ($4,800), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

SEC. 2. Section 445 of the Education Code is amended to read:

Plumas County

445. The annual salary of the county superintendent of schools of a county of the forty-fifth class is four thousand eight hundred dollars ($4,800), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

SEC. 3. Section 451 of the Education Code is amended to read:

Modoc County

451. The annual salary of the county superintendent of schools of a county of the fifty-first class is five thousand dollars ($5,000), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

CHAPTER 1561

An act to amend Section 395 of, and add Sections 389, 395.01, 395.02, 395.03, 395.04, 395.05 and 395.06 to, the Military and Veterans Code, relating to absence of public officers and employees on military or naval duty and compensation and salary during absence on military or naval leave, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect immediately

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

SECTION 1. Section 395 of the Military and Veterans Code is amended to read:

Temporary military leave of absence

395. Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, special exercises or like activity as such member providing that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from such duty.

He shall have an absolute right to be restored to his former office or position and status formerly had by him in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of such temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated to a position of like seniority, status, and pay if such position exists, or if no such position exists he shall have the same rights and privileges that he would have had if he occupied the position when it ceased to exist and had not taken temporary military leave of absence.

Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which his temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or re-employment that he would have enjoyed had he not been absent therefrom; excepting that an uncompleted probationary period if any in the public agency must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency all service of said public employee in recognized military service shall be counted as public agency service.

SEC. 2. Section 395.01 is added to said code, to read:

Compensation during absence

395.01. Any public employee who is on temporary military leave of absence and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his salary or compensation as such public employee for the first 30 calendar days of any such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of said public employee in the recognized military service shall be counted as public agency service.

SEC. 3. Section 395.02 is added to said code, to read:

Same

395.02. Every officer and employee of a public agency who is on military leave other than temporary military leave of absence who has been in the service of such public agency for a period of not less than one year immediately prior to the date on which the absence begins shall be entitled to receive his salary or compensation as such officer or employee for the first 30 calendar days while engaged in the performance of ordered military duty.

"Officer," "employee"

As used in this section only, the terms "officer" and "employee" mean an officer or employee who

(a) Is ordered into active military duty as a member of a reserve component of the armed forces of the United States;

(b) Is ordered into active federal military duty as a member of the National Guard or Naval Militia; or

(c) Is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

SEC. 4. Section 395.03 is added to said code, to read:

Same: Limitation

395.03. No more than the pay for a period of 30 calendar days shall be allowed under the provisions of Sections 395.01 and 395.02, or both, for any one military leave of absence or during any one fiscal year.

SEC. 5. Section 395.04 is added to said code, to read:

California National Guard member

395.04. During such time as an officer or enlisted man of the California National Guard, who is on full-time active duty in the military service of the State, and is engaged, with the approval of the Adjutant General, in the military service of the State in attendance at drills, camps, or special exercises, sponsored by federal authority or by the War Department, as a member of the National Guard of the United States, he shall receive his salary, pay, and compensation as provided in Sections 320 and 321 of this code.

SEC. 6. Section 395.05 is added to said code, to read:

Same Compensation during absence

395.05. Any public employee who is a member of the National Guard, shall be entitled to absent himself from his duties or service, without regard to the length of his public service, while engaged in the performance of ordered military

or naval duty and while going to and returning from such duty, provided such duty is performed during such time as the Governor may have issued a proclamation of a state of extreme emergency or during such time as the National Guard may be on active duty in one or more of the situations described or included in Section 146 of this code provided such absence does not exceed the duration of such emergency. During the absence of such officer or employee while engaged in such military service during such emergency and while going to and returning from such duty, and for a period not to exceed 30 calendar days, he shall receive his salary or compensation as such officer or employee and shall not be subjected by any person directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office, employment, reappointment to office, or re-employment.

SEC. 7. Section 395.06 is added to said code, to read:

Same
Restoration to former position

395.06. Every officer or enlisted man of the National Guard who, in order to undertake active military duty in the service of the State during such time as the Governor may have issued a proclamation of a state of insurrection pursuant to Section 143 of this code or proclamation of state of extreme emergency or during such time as the National Guard may be on active duty in one or more of the situations described or included in Section 146 of this code, has left or leaves a position, other than a temporary position, in the employ of a private employer, and who receives a certificate of satisfactory service in the National Guard, and is still qualified to perform the duties of such position, and makes application within 40 days after he is relieved from such active emergency service shall be considered as on leave of absence during such period and shall be restored by his former employer to the former position or to a position of like seniority, status and pay without loss of retirement or other benefits unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so, and shall not be discharged from the position without cause within one year after being restored to said position.

Action for failure to comply with section

In case any employer fails or refuses to comply with the provisions of this section the superior court of the county in which such employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the district attorney of the county in which such employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such

district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions. No fees or court costs shall be taxed against the person so applying for such benefits.

Legislative declaration

SEC. 8. It is hereby declared that this act except for the provisions of subdivision (c) of Section 395.02 of the Military and Veterans Code as amended hereby, is not a change in the present law but is a declaration of existing law as it has existed since the effective date of Chapter 1396, Statutes of 1949.

SEC. 9. Section 389 is added to said code, to read:

Definitions

389. (a) As used in this chapter, "temporary military leave of absence" means a leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days including travel time for purposes of military training, drills, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia.

(b) "Public employee" means any officer or employee of a public agency.

(c) "Public agency" means the State, or any county, city and county, city, municipal corporation, school district, irrigation district, water district, or other district.

(d) "Armed forces" or "armed forces of the United States" means the "armed forces" as defined in Section 18540 of the Government Code.

(e) "Recognized military service" means service as defined in Section 18540.3 of the Government Code.

Urgency

SEC. 10. 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 urgency is as follows:

Due to the Korean crisis and the unsettled world conditions many thousands of public employees, including more than 1,000 state employees, are now on military leaves of absence and serving with the armed forces. The rights of such persons under existing provisions of the Military and Veterans Code are uncertain due to ambiguities in the existing law. This uncertainty has and will continue to result in delayed actions on the claims of such employees and has further resulted in hardship to the employees involved and to their families. These conditions may well affect the morale of those employees who are now in the armed forces and render them less able to perform their military duties. It is therefore necessary that this act take effect immediately.

CHAPTER 1562

An act to amend Sections 353, 364, 375, 435, 454, 458, 459, 467, 471, 496, and 507 and to repeal Sections 481 and 483 of the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 353 of the Streets and Highways Code is amended to read:

353. Route 53 is from Route 7 near Fairfield to Route 4 near Lodi via Rio Vista. Route 53

SEC. 2. Section 364 of said code is amended to read:

364. Route 64 is from: Route 64

(a) Route 2 near San Juan Capistrano to Route 78 near Perris.

(b) Route 78 near Perris to Route 26 near Indio.

(c) Mecca via Blythe to the Arizona state line at the Colorado River, and includes that portion of the Colorado River highway bridge (near Ehrenburg, Arizona) which is within the State of California. The Department may contract with the State of Arizona, for and on behalf of the State of California, for the maintenance of such bridge.

(d) A point near Shaver's summit on that portion of Route 64 specified in subdivision (c) to Route 26 near Indio.

SEC. 3. Section 375 of said code is amended to read:

375. Route 75 is from: Route 75

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route (a) above, north of Walnut Creek to Martinez.

(c) Route 4 near Stockton via Copperopolis to Route 65 near Altaville.

SEC. 4. Section 435 of said code is amended to read:

435. Route 135 is from Route 10 near Hanford, thence southerly in the vicinity of Corcoran and via Earlimart to Route 129 near Ducor. Route 135

SEC. 5. Section 454 of said code is amended to read:

454. Route 154 is from: Route 154

(a) The junction of Route 60 and Saviers Road in Ventura County, along the route of said road to Route 2 at El Rio.

(b) Route 2 near El Rio to Route 9 near Saticoy.

(c) Route 9 near Saticoy to Route 79.

SEC. 6. Section 458 of said code is amended to read:

458. Route 158 is from Route 4 near San Fernando to Route 2 in the vicinity of El Toro; provided, however, that Section 600 of this code shall be applicable to that portion of said route southerly of Route 167 near Signal Hill the same as if said portion had been added by the Collier-Burns Highway Act of 1947, and the Department of Public Works shall not be Route 158

Stats. 1947 (1st Ex. Sess.), p. 3788

required to maintain any portion of said route until the same has been laid out and constructed as a state highway.

SEC. 7. Section 459 of said code is amended to read:

Route 159

459. Route 159 is from Route 2 near Vineland Avenue to Route 4 near Tujunga Wash.

SEC. 8. Section 467 of said code is amended to read:

Route 167

467. Route 167 is from Long Beach to Huntington Drive.

SEC. 9. Section 471 of said code is amended to read:

Route 171

471. Route 171 is from Route 60 near Huntington Beach to Route 62 at or near Buena Park.

SEC. 10. Section 496 of said code is amended to read:

Route 196

496. Route 196 is from Route 2 near Oceanside to Route 77 near Escondido.

SEC. 11. Section 507 of said code is amended to read:

Route 232

507. Route 232 is from Sacramento to Marysville; provided, however, that Section 600 of the Streets and Highways Code shall be applicable to the route added to the State Highway System by this section, the same as if said route had been added by the Collier-Burns Highway Act of 1947, and the Department of Public Works shall not be required to maintain any portion of said route until the same has been laid out and constructed as a state highway.

Repeal

SEC. 12. Sections 481 and 483 of said code are repealed.

CHAPTER 1563

An act to provide for notification of release from custody of persons convicted of arson.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

Notification of release of convicted arsonist

SECTION 1. At least 15 days prior to the release of a person convicted of arson from an institution under the jurisdiction of the Department of Corrections, the Director of Corrections shall notify the State Fire Marshal and the State Bureau of Criminal Identification and Investigation in writing. The notice shall state the name of the person to be released, the county in which he was convicted and, if known, the county in which he will reside.

Same

SEC. 2. Within five days after release of a person convicted of arson from an institution under the jurisdiction of the Department of Mental Hygiene, the Director of Mental Hygiene shall send the notice provided in Section 1.

Notice to fire departments

SEC. 3. Upon receipt of a notice as provided in Sections 1 or 2, the State Fire Marshal shall notify all regularly organized fire departments in the county in which such person was convicted and, if known, in the county in which he is to reside and the State Bureau of Criminal Identification and Investigation shall notify all police departments and the sheriff in such county or counties.

CHAPTER 1564

An act providing for the constitution of the municipal court in a district embracing the City of Richmond, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

Richmond municipal court Salaries

SECTION 1. The municipal court established in a district embracing the City of Richmond shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be three judges, each of whom shall receive eleven thousand five hundred dollars ($11,500) per annum, payable in equal monthly installments.

(2) There shall be one clerk who shall receive six thousand dollars ($6,000) per annum, payable in equal monthly installments and who may appoint the following:

One chief deputy clerk who shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly;

Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of three hundred twenty dollars ($320) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred five dollars ($405) monthly;

Three deputy clerks each of whom shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly;

One deputy clerk who shall receive a minimum salary of two hundred dollars ($200) monthly with annual increments of eleven dollars ($11), ten dollars ($10), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly;

Five deputy clerks each of whom shall receive a salary of one hundred ninety-six dollars ($196) monthly with annual increments of nine dollars ($9), ten dollars ($10), eleven dollars ($11) and ten dollars ($10) to a maximum of two hundred thirty-six dollars ($236) monthly;

(3) There shall be one marshal who shall receive a salary of six thousand dollars ($6,000) per annum, payable in equal monthly installments and who may appoint the following:

Three deputy marshals who shall be court bailiffs, each of whom shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen

dollars ($15), fifteen dollars ($15), sixteen dollars ($16) and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly;

Two deputy marshals, each of whom shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly;

Ten deputies (custodians) at the fee allowed by law for keeping property.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

(4) Official reporters in such municipal courts described in this section, appointed as provided in Sections 274c and 274d of the Code of Civil Procedure, shall be attaches of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of five hundred dollars ($500) per month, which shall be a charge against the general fund of the county.

In conformity with the provisions of Section 274c of the Code of Civil Procedure, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty dollars ($20) per day, which shall upon order of the court be a charge against the general fund of the said county.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Section 274 of the Code of Civil Procedure which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by any county of the fifteenth class in which they are employed. For the purpose of such retirement system the salary herein provided for such reporters shall be deemed their entire compensation.

(5) Persons employed in the service on the effective date of the amendment to this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up

to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

(6) The annual increments shall be dependent upon the employee maintaining the minimum efficiency rating designated by the appointing authority and at any time the efficiency rating falls below the minimum standard the appointing authority shall have the power to suspend all or any part of the annual increments.

CHAPTER 1565

An act providing for the constitution of a municipal court in a district embracing the City of Oakland, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 16, 1951 Filed with Secretary of State July 17, 1951]

In effect September 22, 1951

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

SECTION 1 The municipal court established in a district embracing the City of Oakland shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

Oakland municipal court Salaries

(1) There shall be seven (7) judges, each of whom shall receive such compensation per annum, payable in equal monthly installments, as now or hereafter prescribed for municipal judges in a city or city and county of the first class.

(2) There shall be one chief clerk who shall receive six hundred fifty dollars ($650) monthly, and who may appoint the following:

CRIMINAL DIVISION

Four senior deputy clerks, each of whom shall receive four hundred fifty dollars ($450) monthly;

Three deputy assistant clerks, each of whom shall receive three hundred fifty dollars ($350) monthly;

Four deputy assistant clerks each of whom shall receive three hundred twenty-five dollars ($325) monthly;

One legal stenographer who shall receive two hundred seventy-five dollars ($275) monthly;

One typist-clerk who shall receive a minimum salary of two hundred six dollars ($206) monthly, with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12), and twelve dollars ($12), to a maximum of two hundred fifty dollars ($250) monthly;

OFFICE OF BAIL AND FINES

One senior deputy clerk, (cashier-bookkeeper) who shall receive four hundred fifty dollars ($450) monthly;

Two deputy clerks each of whom shall receive two hundred seventy-five dollars ($275) monthly;

Seven deputy clerks each of whom shall receive three hundred dollars ($300) monthly;

Two deputy clerks each of whom shall receive two hundred fifty-five dollars ($255) monthly;

Five typist-clerks and one file clerk, each of whom shall receive a minimum salary of two hundred six dollars ($206) monthly, with annual increments of ten dollars ($10), ten dollars ($10), twelve dollars ($12) and twelve dollars ($12) to a maximum of two hundred fifty dollars ($250) monthly;

CIVIL DEPARTMENT

One senior deputy clerk, who shall receive five hundred dollars ($500) monthly;

One senior deputy clerk, who shall receive four hundred fifty dollars ($450) monthly;

Seven deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly;

One stenographer who shall receive a minimum salary of two hundred sixteen dollars ($216) monthly, with annual increments of ten dollars ($10), twelve dollars ($12), twelve dollars ($12) and fourteen dollars ($14) to a maximum of two hundred sixty-four dollars ($264) monthly;

One junior stenographer, who shall receive a minimum salary of one hundred ninety-six dollars ($196) monthly, with annual increments of ten dollars ($10), ten dollars ($10), ten dollars ($10) and twelve dollars ($12) to a maximum of two hundred thirty-eight dollars ($238) monthly;

(3) The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

(5) Whenever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. However, in order to equalize the work of the office of the clerk and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk or attache to perform such service as may be directed by the clerk, whether the work so directed to be done be within the scope of the special designation or not. The clerk shall have the power to lay off any employee because of lack of the type of work which such employee was appointed to perform.

CHAPTER 1566

An act providing for the constitution of municipal courts in districts in Riverside County, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

SECTION 1. The municipal courts established in districts in Riverside County shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows: Riverside County municipal courts Salaries

(1) There shall be two judges, each of whom shall receive nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk, who shall receive a minimum monthly salary of three hundred dollars ($300) with annual increments as provided in subdivision (4). The clerk may appoint the following:

Two deputy clerks (court clerks), each of whom shall receive a minimum salary of two hundred forty dollars ($240) monthly with annual increments as provided in subdivision (4);

Two deputy clerks, each of whom shall receive a minimum salary of one hundred seventy dollars ($170) monthly with annual increments as provided in subdivision (4).

(3) There shall be one marshal, who shall receive an annual salary of three thousand three hundred sixty dollars ($3,360) payable in equal monthly installments. The marshal may appoint the following:

Two deputy marshals, each of whom shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments as provided in subdivision (4);

Six deputies (custodians) at the fee allowed by law for keeping property.

(4) Each of the court attaches named above whose salaries are specified on a monthly basis shall receive annual increments of ten dollars ($10) per month for the first five years of employment, to take effect on July 1st of each year. Such attaches who are employed at least six months prior to July 1st shall receive the annual increment provided for the first year of employment.

(5) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 and persons previously employed in public service within the county who are appointed to such positions upon the organization of the court shall receive credit for continuous prior service in superseded courts, in such previous public service within the county, and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set. Stats 1949, p. 2681

CHAPTER 1567

An act to add Section 20254 to the Education Code, relating to the performance of services for the Federal Government by schools and colleges under the jurisdiction of the Department of Education.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 20254 is added to the Education Code, to read:

Agreements authorized

20254. The Director of Education may enter into agreements with agencies of the Federal Government for the performance of any services for such agencies by any school or college under the jurisdiction of the Department of Education. All moneys received from an agency of the Federal Government under any such agreement, except recovery of contributions to the State Employees' Retirement Fund, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

Appropriation

CHAPTER 1568

An act to amend Sections 43610, 43627, and 43628 of the Government Code, relating to the authorization and issuance of bonds of cities.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 43610 of the Government Code is amended to read:

Contents of ordinance

43610. The ordinance shall recite:

(a) The object and purpose of incurring the indebtedness.

(b) The estimated cost of the public improvements.

(c) The amount of the principal of the indebtedness.

(d) The rate or maximum rate of interest on the indebtedness, which shall not exceed 6 percent, and need not be recited if it does not exceed 4½ percent. Said interest shall be payable semiannually except that interest for the first year after the date of the bonds may be made payable at the end of said year.

(e) The date of the election.

(f) The manner of holding the election and the procedure for voting for or against the proposition.

SEC. 2. Section 43627 of said code is amended to read:

Sale of bonds

43627. The bonds may be issued and sold as the legislative body determines, but for not less than par. Before selling the bonds, or any part thereof, the legislative body shall give notice inviting sealed bids in such manner as the legislative body may

prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the legislative body may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 3. Section 43628 of said code is amended to read:

43628. All premiums and accrued interest received shall be placed in the fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the ordinance; provided, however, that when said purpose and object has been accomplished any moneys remaining in such improvement fund shall be transferred to the fund to be used for the payment of principal of and interest on the bonds. Further, when such purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the general fund.

Disposition of proceeds

CHAPTER 1569

An act to amend Sections 13775, 13776, 13777, 13778, 13779, 13780, and 13781 of, and to add Sections 13782, 13783, 13784, 13785, 13786, 13787, 13788, and 13789 to, Chapter 8, Part 3, Division 3, Title 2 of the Government Code, relating to social security coverage for employees of public agencies, making an appropriation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect immediately

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

SECTION 1. Section 13776 of the Government Code is amended to read:

13776. The Director of Finance shall upon application by any public agency in accordance with the provisions of this chapter, execute on behalf of the State an agreement or modifications of such agreement, with the Federal Security Administrator for the coverage of employees of such public agency under the insurance system, established by Title 2 of the Social Security Act in conformity with the provisions of Section 218 thereof, and applicable federal regulations adopted pursuant thereto; provided, however, that before the director shall execute on behalf of the State an agreement or modifications of such agreement with the Federal Security Administrator as herein provided, the public agency and the director shall enter into a written agreement which agreement shall include such provisions

Agreement with Federal Security Administrator

42 U S C. §200

not inconsistent with this part which the director deems necessary in the administration of the said insurance system as it affects the State and the public agency and its employees.

SEC. 2. Section 13777 of said code is amended to read:

Same Contents

13777. The agreement between the director and the Federal Security Administrator shall include each coverage group as to which formal request for such inclusion is made by the legislative or governing body of the employing public agency pursuant to this section, prior to the effective date of the agreement, or any modification thereof.

The legislative or governing body of every public agency may, upon the affirmative vote of a majority of the eligible employees of such coverage group, make formal application to the director for inclusion of the eligible employees of such public agency in the said agreement or any modification thereof.

SEC. 3. Section 13778 of the said code is amended to read:

Liability for contributions

13778. Every public agency included in the agreement between the director and the Federal Security Administrator pursuant to the provisions of this chapter shall be liable for the contributions required of an employer under the provisions of Section 1410 of the Internal Revenue Code.

SEC. 4. Section 13779 of the said code is amended to read:

Withholding contributions

13779. Every public agency included in the agreement between the director and the Federal Security Administrator may withhold from wages and salaries paid by them to officers and employees covered by the said agreement that portion required to be withheld from the salaries and wages of employees under the provisions of Section 1400 of the Internal Revenue Code.

SEC. 5. Section 13780 of the said code is amended to read:

Regulations

13780. The director shall promulgate regulations, not inconsistent with the provisions of this chapter, necessary to provide proper procedures to effectuate the provisions of this chapter in conformity with Section 218 of Title 2 of the Social Security Act and federal regulations adopted pursuant thereto. Such regulations shall include procedures to determine the extent of coverage within separate coverage groups, and prescribing the manner and method of filing reports and paying contributions required under the agreement between the director and the Federal Security Administrator.

SEC. 6. Section 13781 of the said code is amended to read:

Delegation

13781. The director may designate other state offices and agencies to assist in the administration of the provisions of this chapter and may delegate to any such agency or office any of the powers and authority herein created in the director and may enter into interagency agreements covering any such services.

SEC. 7. Section 13782 is added to said code, to read:

Assessment of costs

13782. The Director of Finance may charge or assess each public agency and each public agency shall reimburse the State at such times and in such amounts as the director may

charge or assess, which amounts may differ from public agency to public agency, the public agency's proportionate share of any and all costs incurred by the State from and after October 30, 1950, as determined by the director, of administering said old age and survivors insurance system as it affects the public agency and its employees.

SEC. 8. Section 13783 is added to said code, to read:

Liability of agency for delinquency charges

13783. Every public agency included in the agreement between the director and the Federal Security Administrator shall upon demand of the director pay to the State Department of Finance any and all sums of money that the State may be obligated to pay or forfeit to the Federal Government from and after October 30, 1950, by reason of any delinquency or default of any such public agency in paying the contributions as required by Sections 1400 and 1410 of the Internal Revenue Code, federal regulations adopted pursuant thereto, and the aforesaid agreement.

SEC. 9. Section 13784 is added to the said code, to read:

Authorizing payment of costs

13784. Notwithstanding any other provision of law, the director may authorize the payment of all costs incurred by the State in administering the provisions of this chapter from any appropriation available for the support of any state office or agency which may be designated by the director to assist in the administration of the provisions of this chapter. Any such payments shall be returned to said fund or such appropriation as provided in Section 13786 of this code. Any state office or agency designated by the director to assist in the administration of the provisions of this chapter shall submit to the director from time to time, for the approval of the director and the State Controller, a plan of financial settlement setting forth the costs incurred by such state office or agency in connection with any duties or powers delegated to it as herein provided.

SEC. 10. Section 13785 is added to the said code, to read:

Appropriation Old Age and Survivors Insurance Revolving Fund

13785. There is hereby appropriated from the General Fund in the State Treasury the sum of ten thousand dollars ($10,000) which shall be transferred to the Old Age and Survivors Insurance Revolving Fund which is hereby created. All money in said revolving fund is appropriated without regard to fiscal years to the director to carry out the provisions of this chapter. The director may authorize any state agency or office which may be designated by the director to assist in the administration of the provisions of this chapter to make expenditures from the said Old Age and Survivors Insurance Revolving Fund to the same extent as the director is authorized to make expenditures from such fund.

SEC. 11. Section 13786 is added to the said code, to read:

Use of fund

13786. The said Old Age and Survivors Insurance Revolving Fund shall be used by the director, or by any state office or agency the director may designate, for the following purposes and for any other purposes necessary to carry out the provisions of this chapter:

1. To reimburse any appropriation available for the support of any state office or agency designated by the director to assist in the administration of the provisions of this chapter for any payments made in accordance with Section 13784 of this code.

2. To advance on behalf of any public agency or agencies any part or all of the contributions required to be paid by them pursuant to Sections 13778, 13779 and 13783 of this code.

3. To advance on behalf of any public agency or agencies any sums of money the State may be obligated to pay or forfeit to the Federal Government from and after October 30, 1950, by reason of any default or delinquency of any such public agency or agencies in paying the contributions, penalties or interest required by Sections 1400 and 1410 of the Internal Revenue Code, federal regulations adopted pursuant thereto and pursuant to the said agreement between the director and the Federal Security Administrator.

4. To make refunds to any public agency or agencies of contributions, penalties, interest, reimbursements, or other amounts received from any such public agency or agencies as overpayments or paid by them in error.

SEC. 12. Section 13787 is added to the said code, to read:

Reimbursement for advances by State

13787. Any public agency on whose behalf the director has made any advances of money as provided in Section 13786 of this code shall, upon receipt of written demand from the director, reimburse the State in the amount of any such advances.

SEC. 13. Section 13788 is added to the said code, to read:

Deposit of contributions, etc

13788. All contributions, penalties, interest and reimbursements received by the State from any public agency or agencies pursuant to this chapter shall be deposited in said Old Age and Survivors Insurance Revolving Fund.

SEC. 14. Section 13789 is added to the said code, to read:

Same

13789. All employer and employee contributions, penalties, interest and the public agencies' proportionate share of the cost to the State for administering said insurance system, as required of the public agencies to be paid by this chapter, shall be deposited in the said revolving fund, and the director, or any state office or agency which the director may authorize, may make all payments from the said revolving fund which the State may be required to pay to the Federal Government pursuant to the said agreement between the director and the Federal Security Administrator.

SEC. 15. Section 13775 of said code is amended to read:

"Public agency"

13775. As used in this chapter:

(a) "Public agency" means any city, county, city and county, district, municipal or public corporation or any instrumentality thereof, and boards and committees established under Chapter 10 of Division 6 of the Agricultural Code, Chapter 754 of Statutes of 1933, as amended, or Chapter 307 of the Statutes of 1935, as amended, the employees of which constitute a coverage group.

(b) "Coverage group" has the meaning given that term by the provisions of Section 218 of Title 2 of the Social Security Act and applicable federal regulations adopted pursuant thereto. "Coverage group"

SEC. 16. This act is an urgency act 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

A large number of public employees providing essential public services are employed by various public agencies which are unable to maintain retirement systems for their protection. Since such employees are in public employment, they have heretofore been ineligible to qualify for the benefits of the Social Security Act. By virtue of recent amendments to that act, these employees may now qualify for its benefits. In order that the Director of Finance and the public agencies may enter into agreements for the administration of the said insurance system by the director on behalf of the public agencies, and in order that the State Department of Finance shall be reimbursed for the costs incurred by it in administering the said insurance system on behalf of the public agencies, and in order that the State Department of Finance shall obtain payment to it from the public agencies of any sums of money it may be obligated to pay or forfeit to the Federal Government on behalf of the said public agencies by reason of any delinquency or default of any said public agency, it is essential that this act take immediate effect.

CHAPTER 1570

An act to amend Section 5550 of the Business and Professions Code, relating to the qualifications of architects.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 5550 of the Business and Professions Code is amended to read:

5550. Subject to the rules and regulations governing examinations, any person who has had seven years of training and educational experience in actual practice of architectural work shall be entitled to an examination for a certificate to practice architecture. A five-year degree from a school of architecture approved by the board shall be deemed equivalent to five years of training and educational experience in the actual practice of architectural work. Before taking the examination he shall file his application therefor with the secretary and pay the application fee fixed by this chapter. The fee shall be retained by the board. Architect's examination

CHAPTER 1571

An act to amend Section 28145 of the Government Code, relating to compensation for public services in counties of the forty-fifth class.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 28145 of the Government Code is amended to read:

Plumas County officers Salaries

28145. In a county of the forty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand dollars ($2,000) a year.

(b) The district attorney, six thousand six hundred dollars ($6,600) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and mileage from his residence to the county seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services either as supervisor or for mileage as road commissioner.

(d) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1572

An act to add Section 160.96 to the Agricultural Code, relating to agricultural pest control business and establishing limitation upon bringing of action for loss suffered in connection therewith.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 160.96 is added to the Agricultural Code, to read:

Report of injury due to pest control operations

160.96. Any person suffering loss or damage resulting from the use or application by others of any pesticide, or of any substance, method or device for pesticidal purposes or for the purpose of preventing, destroying, repelling, mitigating or correcting any disorder of plants or for the purpose of inhibiting, regulating, stimulating or otherwise altering plant growth by direct application to plants must, within sixty (60) days

from the time that the occurrence of such loss or damage became known to him, or in the event a growing crop is alleged to have been damaged, prior to the time fifty percent (50%) of said crop shall have been harvested, provided such loss or damage was known, file with the county commissioner of the county in which the loss or damage, or some part thereof, is alleged to have occurred, a verified report of loss setting forth so far as known to the claimant the following: name and address of claimant, type, kind and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of pest control operator allegedly responsible for such loss or damage, and name of the owner or occupant of the property for whom such pest control operator was rendering labor or services.

The filing of such report or the failure to file such report need not be alleged in any complaint which might be filed, and the failure to file the report as herein provided for shall not be a bar to the maintenance of a civil action for the recovery of damages for such loss or damage.

Proof of failure to file the report herein required shall create a rebuttable presumption that no such loss or damage occurred.

"Pesticide" means any economic poison as defined in Section 1061 of this code. "Pesticide"

The provisions of this section shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session of the Legislature and thereafter shall have no further force or effect. Duration

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CHAPTER 1573

An act to add Section 11011 to the Government Code, relating to lands under the jurisdiction of state agencies.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 11011 is added to the Government Code, to read:

11011. On or before December 31st of each year each state agency shall make a review of all proprietary state lands (other than tax-deeded land and land held for highway purposes and lands under the jurisdiction of the State Lands Commission and land which has escheated to the State or which has been distributed to the State by court decree in estates of deceased persons) over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Legislature and the Department of Finance. Annual review of proprietary state lands

Jurisdiction of all land reported as excess shall be transferred to the Department of Finance for sale or disposition under this section or as may be otherwise authorized by law. Transfer of excess lands

Whenever any land is transferred to the Department of Finance pursuant to this section, it shall determine whether or not the use of the land is needed by any other state agency. If the Department of Finance determines that any such land is needed by any other state agency it may transfer the jurisdiction of such land to such other state agency upon such terms and conditions as it may deem to be for the best interests of the State.

The Department of Finance shall report to the Legislature at each of its general sessions, the land declared excess which is not transferred to another state agency or otherwise disposed of, and request authorization to dispose of the land by sale or otherwise.

Sale or disposition

When authority is granted for the sale or other disposition of lands declared excess, the Department of Finance shall sell the land or otherwise dispose of the same pursuant to such authorization, upon such terms and conditions and subject to such reservations and exceptions as the Department of Finance may deem to be for the best interests of the State. The Department of Finance shall report to the Legislature at each regular session, with respect to each parcel of land authorized to be sold under this section, giving the following information:

(a) A description or other identification of the property

(b) The date of authorization

(c) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange.

Money received from the sale of any parcel of land pursuant to this section shall be used to defray the cost of making the sale and any balance shall be paid into the General Fund.

Nothing contained in this section shall be construed to prohibit the sale, letting or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing such sale, letting or disposition.

CHAPTER 1574

An act to amend Section 4714 and to repeal Section 4965 of the Education Code, relating to unified school districts.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 4714 of the Education Code is amended to read:

Unified school district Bonds

4714. Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

For the purposes of Chapter 1 6 of Division 3 only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district. Any unified district, if otherwise eligible, may receive an apportionment for elementary school purposes alone, for high school purposes alone, for junior college purposes alone, or for any combination of such purposes.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

SEC. 2. Section 4965 of said code is hereby repealed. Repeal

CHAPTER 1575

An act to amend Sections 4905 and 4941 of the Education Code, relating to the Public School System.

[Approved by Governor July 16, 1951 Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 4905 of the Education Code is amended to read:

4905. A unified school district established pursuant to this chapter subsequent to October 1, 1949, may be divided into five (5) or seven (7) trustee areas by the county committee. In establishing trustee areas each county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. The county superintendent of schools having jurisdiction shall call an election for the purpose of electing the new governing board of the district not later than the fourth Friday of January next succeeding the formation of the trustee areas. The election shall be called and conducted as are elections for members of governing boards of elementary school districts and the term of office and organization of the new board shall be pursuant to Sections 4945 and 4946, respectively. One trustee shall be elected from among the qualified electors of each of the five (5) or seven (7) trustee areas of the unified school district by a vote of the electors of the entire school district. This section does not supersede or modify the provisions of Sections 4941.1 and 4941.2 added by Chapter 212 of the Statutes of 1949.

Unified school district. Trustee areas

Governing board

SEC. 2. Section 4941 of said code is amended to read:

4941. A unified school district formed pursuant to this chapter, whether prior or subsequent to October 1, 1949, shall have a governing board of five (5) members, elected at large to serve for four (4) years, except that:

(a) In the event seven (7) trustee areas are established in a unified district, the governing board shall have seven (7) members elected at large to serve for four (4) years;

(b) In a unified school district which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county; provided, that all qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board;

(c) In the event a unified district includes a chartered city and the charter does not provide for a method of selecting the governing board of education of the city or the charter provides that this code shall apply, the governing board of the unified district shall be elected at large and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board.

CHAPTER 1576

Stats 1946 (1st Ex. Sess.), p 45

An act to add Section 4.2 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 the disposition of rentals from such housing facilities.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 4.2 is added to the act cited in the title hereof, to read:

Payments to school districts

Sec. 4.2. Any local agency which is administering a housing facility acquired pursuant to this act may pay from the funds collected by it as rental for such facilities to each school district within whose boundaries such housing facility is located, an amount equal to the amount which would be produced by a school district tax levied on such facility, as determined by agreement between the local agency and the school district governing board. The governing board of any such school district may accept payments made pursuant to this section and such governing board and local agency may enter into agreements pursuant to this section.

CHAPTER 1577

An act to add Section 115 to the Business and Professions Code, relating to the reinstatement of licenses by persons serving in the armed forces.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 115 is added to the Business and Professions Code, to read:

115. The provisions of Section 114 of this code are also applicable to a licensee or registrant whose license or registration was obtained while in the armed services. Application

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CHAPTER 1578

An act to add Section 7421 to the Business and Professions Code, relating to the granting of cosmetology licenses.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 7421 is added to the Business and Professions Code, to read:

7421. Any person having a barber's license in this State or any other state or country, and a permanent waver's license in this State, shall be permitted to take the cosmetology examination in this State upon paying the necessary fee. Cosmetology examination

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CHAPTER 1579

An act to amend Section 7315 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 7315 of the Business and Professions Code is amended to read:

7315. Each member of the board shall receive, as compensation for his services, the sum of twenty dollars ($20) for each day's actual attendance at board meetings. He shall be Compensation of board members

reimbursed for his traveling expenses necessarily incurred in the performance of his duties. All compensation and necessary traveling expenses shall be paid by the board out of the funds received by it and no part shall be paid from the general revenue funds of the State.

CHAPTER 1580

An act to amend Section 108 of the Civil Code, relating to divorce.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 108 of the Civil Code is amended to read:

Incurable insanity

108. A divorce may be granted on the grounds of incurable insanity only upon proof that the insane spouse has been incurably insane for a continuous period of three years immediately preceding the filing of the action and has been confined to an institution, or under the jurisdiction of the institution, under the provisions of Chapter 1, Part 1, Division 6 of the Welfare and Institutions Code or under the provisions of Section 1026 of the Penal Code or Chapter 6, Title 10, Part 2 of the Penal Code, for a period of at least three continuous years immediately preceding the filing of the action and upon the testimony of a member of the medical staff of said institution that such spouse is incurably insane.

No decree granted on this ground shall relieve the spouse granted the divorce of any obligation imposed by law as a result of the marriage for the support of the spouse against whom the divorce is granted, and the court may make such order for support, or require a bond therefor, as the circumstances require.

Service of summons

If the insane spouse has a general guardian or guardian of his person, other than the spouse bringing the action, the complaint and summons shall be served upon the insane spouse and such guardian and he shall defend and protect the interests of the insane spouse. If the insane spouse has no general guardian or no guardian of his person, or if the spouse bringing the action is the general guardian or guardian of his person, the court shall appoint a guardian ad litem, who may be the district attorney or the county counsel, if any, to defend and protect the interests of the insane spouse.

CHAPTER 1581

An act to repeal Section 144 and to amend Section 1558 of the Penal Code, relating to the return of fugitives from justice.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 144 of the Penal Code is repealed. Repeal

SEC. 2. Section 1558 of said code is amended to read:

1558. No compensation, fee, or reward of any kind can be paid to or received by a public officer of this State, or other person, for a service rendered in procuring from the Governor the demand mentioned in Section 1557, or the surrender of the fugitive, or for conveying him to this State, or detaining him therein, except as provided for in such section. Every person who violates any of the provisions of this section is guilty of a misdemeanor. Fee, etc., prohibited

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CHAPTER 1582

An act to add Section 30201.5 to, and to amend Section 30608 of the Streets and Highways Code, relating to toll bridges and the use of revenues therefrom, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect immediately

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

SECTION 1. Section 30201.5 is added to the Streets and Highways Code, to read:

30201.5. Where one or more toll bridges or other highway crossings are to be acquired as provided in Section 30201, and expenditures to rehabilitate or improve such toll bridge or bridges or other highway crossing or crossings, or approaches thereto, or for cost of operation, are necessary, provision for the amounts to be so expended may be made in any issue of revenue bonds or for the use of toll revenues therefor, all as may be provided in any bond indenture or resolution. The California Toll Bridge Authority shall continue to collect tolls until all advancements for any of said purposes from any state funds have been repaid into the State Treasury to the credit of the funds from which advanced. Revenue bonds to acquire toll bridges

SEC. 2. Section 30608 of said code is amended to read:

30608. Whenever, after the effective date of this section, any bonds secured by a pledge of the tolls and revenues of the Repayment for cost of approaches

toll bridge are refunded or retired, in the total then outstanding, the authority shall include in the proceedings for any new issue of bonds for such purpose bonds in an amount fully sufficient to repay to the State all money appropriated by Chapter 5, Statutes of 1933, and expended from the State Highway Fund for the acquisition and construction of the highway approaches leading to and upon the toll bridge as described in Chapter 9, Statutes of 1933, not to exceed, however, the sum of six million six hundred thousand dollars ($6,600,000). Repayment shall be made to the State from the proceeds of the sale of the bonds and all reimbursements so made shall be credited to the State Highway Fund as provided in Section 30607.

Urgency

SEC. 3. Section 1 of this act, adding Section 30201.5 to the Streets and Highways Code, 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 that proceedings have already been instituted by the State to acquire two privately owned toll bridges and it is contemplated that toll revenues from said bridges shall be used to rehabilitate the same. The present law is not clear as to the power to so use toll revenues and the uncertainty may make it impossible to sell the proposed revenue bonds. In order to insure the sale of revenue bonds at the lowest possible interest rates it is necessary that Section 1 of this act take effect immediately.

CHAPTER 1583

An act to add Section 592.2 to the Vehicle Code, relating to stopping, standing, or parking of vehicles.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 592.2 is added to the Vehicle Code, to read:

Post office vehicles

592.2. Stopping, Standing, or Parking of United States Post Office Department Vehicles. The foregoing restrictions in this chapter prohibiting the stopping, standing, or parking of vehicles shall not apply to the driver of any vehicle owned or operated by the United States Post Office Department for the delivery, transportation, or collection of mail while engaged in such activity.

CHAPTER 1584

An act to add Sections 53 and 3928.1 to, and to amend Section 3946 of, the Elections Code, relating to designation of party affiliation of candidates on ballots; and providing for the submission thereof to the electors for approval or rejection pursuant to paragraph 3 of Section 1 of Article IV of the California Constitution.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 53 is added to the Elections Code, to read:

53. On the ballots for any special election at which a partisan office is to be filled there shall be printed in the manner prescribed by Section 3928.1 after the name of each partisan candidate the designation of the party with which such candidate is affiliated. Designation of party

SEC. 2. Section 3928.1 is added to said code, to read:

3928.1. On the direct primary ballots of each political party, in the same line in which the name of a candidate for any partisan office is printed and at the right of the name, or immediately below the name if there is not sufficient space to the right thereof, shall be printed the name of the political party with which the candidate is affiliated as shown in the affidavit of registration of the candidate. The name of such political party may be abbreviated by printing not less than the first three letters of the name of such political party. If the names of two or more political parties qualified to participate in the primary commence with the same first three letters sufficient additional letters of each such names shall be printed so that each party will be clearly identified. Same

SEC. 2. Section 3946 of said code is amended to read:

3946. Except as to the order of the names of candidates the ballot shall be printed in substantially the following form: Form of ballot

(If a number to be torn off by Inspector)

3347

Perforated Line

MARK CROSSES (+) ON BALLOT (ONLY WITH RUBBER STAMP); NEVER WITH PEN OR PENCIL

(Absentee Ballots May Be Marked With Pen and Ink or Pencil)

PERFORATED LINE

(Fold Ballot on this Perforated Line, leaving Top Margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

REPUBLICAN PARTY

8TH CONGRESSIONAL 17TH SENATORIAL, 48TH ASSEMBLY DISTRICT

To vote for a person whose name appears on the ballot stamp a cross (+) in the square at the RIGHT of the name of the person for whom you desire to vote To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another

PERFORATED LINE

STATE

Governor — Vote for One
- RICHARD ROE Rep. Incumbent
- HENRY BROWN Dem. Mayor of Napa
- JOHN DOE Prohi. State Senator

Lieutenant Governor — Vote for One
- WILLIAM SMITH Rep. Attorney
- THOMAS GREEN Rep. Merchant
- HORACE JONES Dem. Farmer

Secretary of State — Vote for One
- JOHN TOURTILLOTTE Rep. Supervisor of Marin County
- ALBERT BERG Rep.
- PETER E HONSON Rep. Physician

Controller — Vote for One
- THOMAS THOMPSON Rep. Bank President
- SAMUEL ALDEN Proh. Accountant
- WILLIAM DUNN Proh. Incumbent

Treasurer — Vote for One
- HENRY SAMPSON Rep. San Diego County Treasurer
- A Y CHILTON Rep. Accountant
- SAMUEL JOHNSON Rep. Incumbent

Attorney General — Vote for One
- GEORGE P WILSON Rep. Attorney
- W B CURRAN Dem. Eureka City Attorney
- THOMAS O'BRIEN Rep. Incumbent

Surveyor General — Vote for One
- FRANK B HEATON Rep. Engineer
- MICHAEL KERNAN Dem. State Highway Engineer
- JOHN P WALKER Dem. Humboldt County Surveyor

Member of State Board of Equalization 1st District — Vote for One
- WILLIAM ADAMS Rep. Accountant
- HARRY ALGER Dem. Incumbent

CONGRESSIONAL

United States Senator — Vote for One
- CHARLES N HART Rep. United States Representative
- WALTER BROWNLOW Rep.
- CASSIUS N CLAY Rep. Incumbent

Representative in Congress 8th District — Vote for One
- PETER PETERSON Rep. Incumbent
- BASTICK BOTLAN Rep. State Senator
- HENRY HUDSON Rep. Engineer

LEGISLATIVE

Member of Assembly 48th District — Vote for One
- ANDREW ANDERSON Rep.
- GEORGE CAUGHEY Dem. Merchant
- PETER PETERSON Dem. Attorney

COUNTY COMMITTEE

Member of County Central Committee — Vote for Three
- JOHN T HUNT School Teacher
- JOSEPH T JENSON Paving Contractor
- H L MAYNARD Broker
- E S MINOR Real Estate Agent
- H D ROBINSON Doctor
- EDWARD F STEVENS Dentist

JUDICIAL

Judge of the Superior Court — Vote for One
- GEORGE BUNN Attorney
- WALTER CAMPBELL Attorney
- CHARLES R DAVIS Incumbent
- THOMAS McCALL Attorney
- ERNEST W ROBERTS Incumbent

Justice of the Peace — Vote for Two
- THOMAS SULLIVAN Attorney
- PETER HEPBURN Incumbent
- CLAUDE SWANSON Incumbent

SCHOOL

Superintendent of Public Instruction — Vote for One
- CHARLES N STOVER Marin County Superintendent
- FRANK N KENDALL Teacher
- ARTHUR ROBERTS Oakland Superintendent

County Superintendent of Schools — Vote for One
- TIMOTHY HEALEY School Teacher
- J W REYNOLDS School Teacher
- CHARLES CARSON Incumbent

COUNTY AND TOWNSHIP

Sheriff — Vote for One
- J P DOLLIVER Deputy Sheriff
- CHESTER I LONG Incumbent
- R A ALGER Private Detective

District Attorney — Vote for One
- A B KITTREDGE Attorney
- JOHN T MORGAN Incumbent
- E J BURKETT Oakland City Attorney

County Clerk — Vote for One
- S R MALLORY Bookkeeper
- JAMES B M'CREARY Filing Clerk
- ASBURY C LATIMER Incumbent

Auditor — Vote for One
- JOHN W DANIEL Accountant
- M J FOSTER Certified Public Accountant
- JOHN M PATTERSON Bookkeeper
- J F ALLEE Incumbent
- CLARENCE D CLARK Deputy County Auditor

Treasurer — Vote for One
- FRED T DU BOIS Bank Cashier
- AUGUSTUS O BACON
- JAMES H BERRY Incumbent

Assessor — Vote for One
- J S SPOONER Farmer
- E C NEWLANDS Loan Agent
- E W FETTIS Incumbent

Tax Collector — Vote for One
- KNUTE NELSON Banker
- PEDFIELD PROCTOR Constable
- E W CARMACK Accountant

Recorder — Vote for One
- C M DE FEW Incumbent
- CHARLES W FULTON President of Title Company
- THOMAS H CARTER Banker

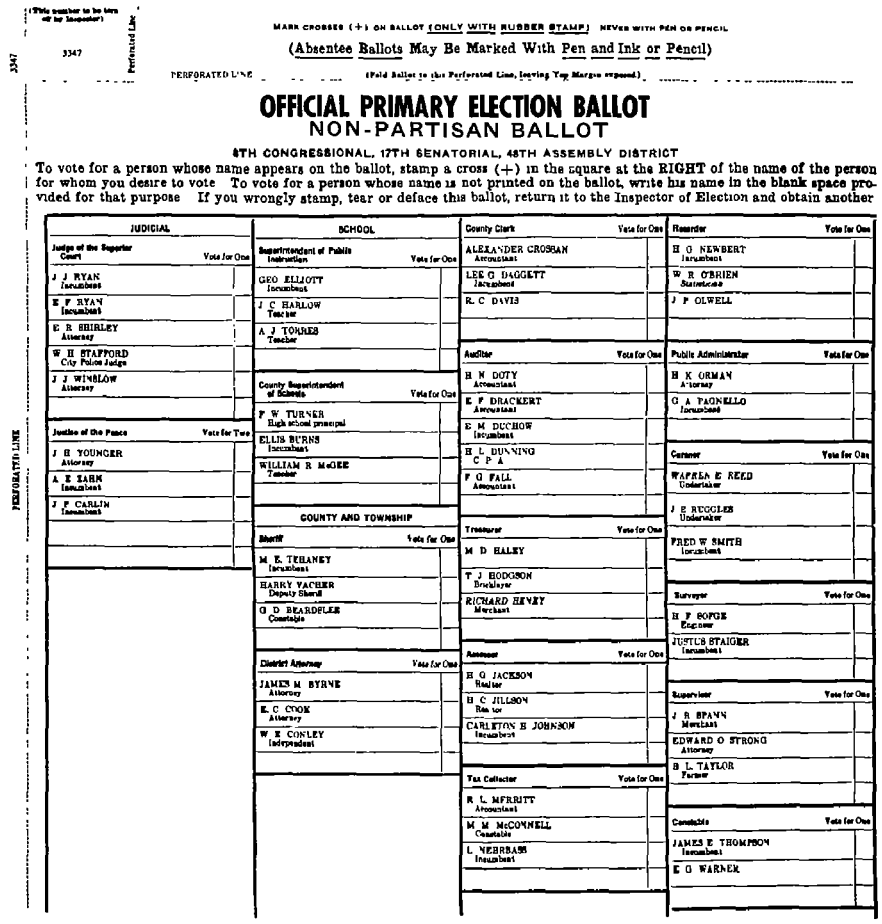
Public Administrator — Vote for One
- H M TELLER Attorney
- J W BAILEY Incumbent

Coroner — Vote for One
- JAMES B FRAZIER Undertaker
- H C LODGE Undertaker
- W F DILLINGHAM Incumbent

Surveyor — Vote for One
- E B YOUNG Engineer
- J B FORAKER Incumbent

Supervisor — Vote for One
- C B PATTERSON Farmer
- THOMAS SPIGHT Merchant
- JAMES E WATSON Incumbent

Constable — Vote for One
- JOHN A STERLING Collector
- B W PARKER Incumbent



(This number to be left for Inspector)

3347

Perforated Line

MARK CROSSES (+) ON BALLOT (ONLY WITH RUBBER STAMP) NEVER WITH PEN OR PENCIL

(Absentee Ballots May Be Marked With Pen and Ink or Pencil)

PERFORATED LINE (Fold Ballot to the Perforated Line, leaving Top Margin exposed)

OFFICIAL PRIMARY ELECTION BALLOT

NON-PARTISAN BALLOT

8TH CONGRESSIONAL, 17TH SENATORIAL, 48TH ASSEMBLY DISTRICT

To vote for a person whose name appears on the ballot, stamp a cross (+) in the square at the RIGHT of the name of the person for whom you desire to vote To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another

PERFORATED LINE

JUDICIAL

Judge of the Superior Court — Vote for One
- J J RYAN, Incumbent
- E F RYAN, Incumbent
- E R SHIRLEY, Attorney
- W H STAFFORD, City Police Judge
- J J WINSLOW, Attorney

Justice of the Peace — Vote for Two
- J H YOUNGER, Attorney
- A E ZAHN, Incumbent
- J F CARLIN, Incumbent

SCHOOL

Superintendent of Public Instruction — Vote for One
- GEO ELLIOTT, Incumbent
- J C HARLOW, Teacher
- A J TORRES, Teacher

County Superintendent of Schools — Vote for One
- F W TURNER, High school principal
- ELLIS BURNS, Incumbent
- WILLIAM R McGEE, Teacher

COUNTY AND TOWNSHIP

Sheriff — Vote for One
- M E TEHANEY, Incumbent
- HARRY YACHER, Deputy Sheriff
- G D BEARDSLEE, Constable

District Attorney — Vote for One
- JAMES M BYRNE, Attorney
- E C COOK, Attorney
- W E CONLEY, Independent

County Clerk — Vote for One
- ALEXANDER CROSBAN, Accountant
- LEE G DAGGETT, Incumbent
- R C DAVIS

Auditor — Vote for One
- H N DOTY, Accountant
- E F DRACKERT, Accountant
- E M DUCHOW, Incumbent
- H L DUNNING, C P A
- F G FALL, Accountant

Treasurer — Vote for One
- M D HALEY
- T J HODGSON, Bricklayer
- RICHARD HENRY, Merchant

Assessor — Vote for One
- H G JACKSON, Realtor
- H C JILLSON, Realtor
- CARLETON B JOHNSON, Incumbent

Tax Collector — Vote for One
- R L MERRITT, Accountant
- M M McCONNELL, Constable
- L NEBRASS, Incumbent

Recorder — Vote for One
- H G NEWBERT, Incumbent
- W R O'BRIEN, Statistician
- J F OLWELL

Public Administrator — Vote for One
- H K ORMAN, Attorney
- G A PAONELLO, Incumbent

Coroner — Vote for One
- WARREN E REED, Undertaker
- J E RUGGLES, Undertaker
- FRED W SMITH, Incumbent

Surveyor — Vote for One
- H F SOPER, Engineer
- JUSTUS STAIGER, Incumbent

Supervisor — Vote for One
- J R BRANN, Merchant
- EDWARD O STRONG, Attorney
- B L TAYLOR, Farmer

Constable — Vote for One
- JAMES E THOMPSON, Incumbent
- E G WARNER

2—ch 1584

SEC. 3. This act shall be presented to the electors for approval or rejection on the ballot at the same election at which is presented an initiative measure titled "An act to prohibit cross filing and to prevent any person from becoming a candidate or nominee of any political party unless he has been continuously registered as a member of that party for at least three months immediately prior to filing of nomination papers for the office he seeks and to invalidate any law in conflict with this act," as an alternative to such measure, pursuant to paragraph 3 of Section 1 of Article IV of the California Constitution. Presentation to electors

CHAPTER 1585

An act to amend Section 8514 of the Business and Professions Code, relating to structural pest control.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 8514 of the Business and Professions Code is amended to read:

Subcontracting pest control work

8514. Notwithstanding any provision of this chapter, after an inspection has been made a licensee who holds a group license for the control of household pests, or wood destroying pests or organisms, but whose group license restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of his group license, provided he subcontracts in writing the actual performance of the work to a licensee who holds a group license authorizing the particular method to be used.

A licensee may in writing subcontract any pest control work for which he is licensed in any group or groups to a licensee holding a valid group license to do such work

Nothing herein contained shall permit or authorize any licensee to perform, attempt to perform, advertise or hold out to the public or to any person that he is authorized, qualified or licensed to perform, pest control work in any branch or group, or by any method, for which he is not licensed.

Subcontracting of work, as permitted herein, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, any act or omission on his part, which would otherwise be a ground for disciplinary action.

CHAPTER 1586

An act to amend Section 1340 of the Government Code, relating to commissions.

In effect September 22, 1951

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.]

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

SECTION 1. Section 1340 of the Government Code is amended to read:

Commissions

1340. The Governor shall commission:

(a) All officers elected by the people whose commissions are not otherwise provided for except those officers to whom a certificate of election is issued by the Secretary of State.

(b) All officers elected by the Legislature.

(c) All officers of the Militia.

(d) All officers appointed by the Governor, or by the Governor with the advice and consent of the Senate.

CHAPTER 1587

An act to add Section 14074.5 to the Health and Safety Code, relating to the powers and duties of boards of fire commissioners of fire protection districts, in respect to civil service.

[Approved by Governor July 16, 1951. Filed with Secretary of State July 17, 1951.] In effect September 22, 1951

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

SECTION 1. Section 14074.5 is added to the Health and Safety Code, to read:

14074.5. The district board may by ordinance provide for a civil service system for employees of the district, and may provide for the hiring of employees under such system as may be necessary to carry out the powers and duties and functions of the district. Civil service system

CHAPTER 1588

An act to amend Section 356 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.] In effect September 22, 1951

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

SECTION 1. Section 356 of the Streets and Highways Code is amended to read:

356. Route 56 is from: Route 56

(a) Route 2 near Los Cruces via Lompoc and Guadalupe to Route 2 near Pismo.

(b) San Luis Obispo to San Francisco along the coast via Cambria, San Simeon, Carmel and Santa Cruz.

(c) State highway near southerly end of Marin Peninsula to Route 1 near Fernbridge via the coast route through Jenner, Westport and Ferndale, including lateral connection with Route 1 near Leggett Valley; provided, however, that Section 600 of this code shall be applicable to those portions of said route added to the state highway system by this section, the same as if said portions had been added by the Collier-Burns Highway Act of 1947, and the Department of Public Works shall not be required to maintain any such portion, or portions, of said route until the same has been laid out and constructed as a state highway.

CHAPTER 1589

An act to amend Section 28151 of the Government Code, relating to compensation for public service in counties of the fifty-first class.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.] In effect September 22, 1951

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

SECTION 1. Section 28151 of the Government Code is amended to read:

Modoc County officers: Salaries

28151. In a county of the fifty-first class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, one thousand fifty dollars ($1,050) a year and such fees as are allowed by law.

(b) The district attorney, four thousand two hundred dollars ($4,200) a year.

(c) Each supervisor, one thousand eight hundred dollars ($1,800) a year, and mileage at the rate of fifteen cents ($0.15) a mile in traveling from his residence to attend regular meetings of the board and in returning.

Each supervisor shall also be allowed fifteen cents ($0.15) a mile for each mile actually traveled in inspecting county roads, not to exceed three hundred dollars ($300) annually.

(d) For attending as a grand juror or as a trial juror in the superior court in criminal cases, three dollars ($3) for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, twenty-five cents ($0.25). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive two dollars ($2) a day to be paid by the party demanding the jury.

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

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1590

An act to add Article 7 to Chapter 2, Part 6, Division 12 of the Water Code, relating to county water districts.

In effect September 22, 1951

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.]

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

SECTION 1. Article 7 is added to Chapter 2, Part 6, Division 12 of the Water Code, to read:

Article 7. Revenue Bonds

Revenue bonds authorized

31480. Subject to the provisions of this article, a district may borrow money to provide funds to pay all costs of any public improvement authorized by this part and may issue revenue bonds to evidence the indebtedness created by such borrowing.

Such revenue bonds shall constitute special obligations and evidence a special indebtedness of the district which shall be a charge upon, and payable, as to the principal thereof, interest

thereon, and any premiums upon the redemption of any thereof, solely from, such revenues and funds as are specified therein and in the proceeding for their issuance. They shall not constitute general obligations of the district and they shall neither constitute obligations nor evidence any indebtedness of any other public agency of which the district may be a part, or of the State.

All such bonds shall recite upon their face the substance of the preceding portions of this section and shall also recite upon their face that they are issued under this article.

31481. Revenue bonds under this article shall be authorized, issued and sold in the same manner as are revenue bonds of irrigation districts under Division 11 of this code and shall in all respects conform to the provisions of that part as near as such provisions can be made applicable. Manner of issuance, etc

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CHAPTER 1591

An act to add Section 184.1 to the Education Code, relating to the donations, bequests, and devises to the Department of Education and to schools, colleges, and institutions under its jurisdiction.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 184.1 is added to the Education Code, to read:

184.1. Money received under Section 184 may, with the approval of the Director of Finance, be deposited by the Director of Education to the credit of the department or of the school, college, or institution designated by him, in accounts in banks or transmitted by him to the State Treasurer for deposit in trust accounts. Withdrawals may be made from any such bank account or trust account by the Director of Education or any employee of the Department of Education authorized by him to make withdrawals therefrom. Disposition of funds

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CHAPTER 1592

An act to amend Section 27186 of, to add Section 27250 to, and to repeal Section 27303 of, the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 27250 is added to the Streets and Highways Code, to read:

Bonds authorized

27250. A district formed under this part may issue either general obligation bonds or revenue bonds secured solely by tolls.

SEC. 2. Section 27186 of the Streets and Highways Code is amended to read:

Official bonds

27186. The general manager, secretary, auditor, engineer, and attorney, and any other officers or employees of the district who may be required to do so by the board, shall give such bonds to the district, conditioned upon the faithful performance of their duties, as the board may prescribe. When deemed expedient by the board a master official bond may be used which shall provide coverage on more than one officer or employee who is required by the board to give bond. Such bond shall be in the form and for the term which is approved by the board and shall inure to the benefit of the district by whom such officer or employee is employed as well as the officer under whom the employee serves.

Repeal

SEC. 3 Section 27303 of the Streets and Highways Code is repealed.

CHAPTER 1593

An act for the construction and development of water resources in the Cuyamaca State Park, and making an appropriation therefor.

In effect September 22, 1951

[Approved by Governor July 17, 1951. Filed with Secretary of State July 18, 1951.]

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

Appropriation Hual-Cu-Cuish campsite

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, the sum of fifteen thousand dollars ($15,000) out of the General Fund, to be expended for the construction of works and development of water resources at the Hual-Cu-Cuish campsite in Cuyamaca State Park.

Matching funds

SEC. 2. No portion of this appropriation shall be expended unless moneys equal to or in excess of the amount to be expended from this appropriation for said purpose shall have been made available (by any person, corporation, political subdivision, public district or public agency other than the State) for expenditure by the State for that purpose, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State.

Repayment

SEC. 3. Any moneys expended by the Division of Beaches and Parks, Department of Natural Resources, from the appropriation contained in this act shall be repaid to the General Fund out of any moneys impounded in the State Lands Act Fund under the decision and order of the United States Supreme Court which hereafter may be released by the Federal Government and subsequently paid into the State Beach Fund or the State Park Fund. The transfer to the General Fund from the

respective funds shall be in such amounts as may be determined by the Department of Finance. Such transfer shall be made by the State Controller upon written order of the Department of Finance.

CHAPTER 1594

An act to add Chapter 12 (comprising Sections 28700 to 28725, inclusive) to Division 21 of the Health and Safety Code, relating to the regulation of the premises and operations of plants for the preparation and storage of frozen foods, and the licensing of the personnel thereof, and making an appropriation therefor.

[Approved by Governor July 17, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Chapter 12 (comprising Sections 28700 to 28725, inclusive) is hereby added to Division 21 of the Health and Safety Code, to read:

CHAPTER 12. FROZEN FOODS

28700. When used in this chapter, unless the context otherwise requires: Definitions

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

License required

28701. No person hereafter shall engage within this State in the business of operating any frozen food locker plant without having applied for or obtained from the director of the department a license for each such place of business. Applications for such license shall be made in writing to the director of the department, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted promptly as a matter of right unless conditions exist which are ground for denial of a license, as hereinafter set forth.

License fees

28702. The annual license fee for a frozen food locker plant shall be ten dollars ($10) for plants with 200 lockers or less; twenty-five dollars ($25) for plants with 201 to 500 lockers; thirty-five dollars ($35) for plants with 501 to 750 lockers; forty dollars ($40) for plants with 751 to 1,000 lockers; and fifty dollars ($50) for plants with 1,001 or more lockers. Such fees shall be paid into the General Fund.

Issuance of license etc

28703. Upon receipt of the application for a license accompanied by the required fee, the department shall promptly inspect the plant to be licensed and shall issue such license; provided, such plant, its equipment, facilities and its surrounding premises and its operations comply with the provisions of this chapter and rules and regulations pertaining to this chapter. The department shall inspect all frozen food locker plants licensed under this chapter, whenever the department considers such inspection necessary. The department and its representatives shall have access to such plants at all reasonable times for the purpose of making inspections.

Form, etc., of license

28704. The license issued hereunder shall be in such form as the department shall prescribe and shall be under the seal of the department and shall set forth the name of the licensee, the location for which the license is issued, the period of the license and such other information as the department may determine. Licenses shall be for a term of one calendar year and shall be renewed annually. The original license or a certified copy thereof shall be conspicuously displayed by the licensee in the locker plant for which the license is issued.

Locker plants Construction

28705. The floors, walls and ceilings of frozen food locker plants shall be of such construction and finish that they can be conveniently maintained in a clean and sanitary condition. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

Gas mask

28706. Any frozen food locker plant using a toxic gas refrigerant shall have at least one gas mask of a type approved by the department and shall keep the same where it will be readily accessible.

Maintenance

28707. All rooms of a frozen food locker plant shall at all times be maintained in a clean and sanitary condition. All equipment and utensils shall be cleaned when put into use and shall be thoroughly cleaned after each day's use and shall be so stored or protected as not to become contaminated. Lockers shall be thoroughly cleaned before they are leased or put into the possession of any patron. The premises and surroundings of such plants shall be maintained in a clean and sanitary condition. The food stored shall be protected from filth, flies, dust, dirt, insects, vermin and any other contamination and from any unclean or filthy practice in the handling thereof or caring therefor. No food shall be stored in such condition or in such manner as to cause injury to or deterioration of articles of food in adjacent lockers.

Water and toilet facilities

28708. Frozen food locker plants shall have an ample water supply readily available and the water that comes in contact with any food product or the equipment shall be uncontaminated. Such plants shall be provided with adequate toilet facilities so located as to be readily accessible to employees and equipped with adequate washing fixtures or have such fixtures or facilities convenient thereto and shall be supplied with running water, single soap and single towel service. The doors of all toilet rooms shall be full length and self-closing and no toilet room shall open directly into any room in which foods are prepared, processed, chilled, frozen or stored. Toilet facilities and rooms shall be kept in a clean and sanitary condition.

Rules and regulations

28709. The director shall publish and declare such reasonable rules and regulations as are consistent with the enforcement of the provisions of this chapter providing for adequate cleanliness and sanitation to protect public health.

Refrigeration system

28710. The refrigeration system for a frozen food locker plant shall be equipped with reliable controls for the maintenance of uniform temperatures as required in the various refrigerated rooms and shall be of adequate capacity to provide under extreme conditions of outside temperature and activity of the plant, the following temperatures in the several rooms, respectively:

(a) In pre-cool, chill, or aging rooms, temperatures shall be commensurate with good commercial practice.

(b) In locker rooms, temperature shall not exceed plus five (5) degrees Fahrenheit, with customary commercial variations.

The foregoing temperatures shall not be construed as prohibiting such variations therefrom as may occur during short periods of time incidental to operating conditions beyond the control of the operator.

Thermometers

28711. Thermometers in good order shall be provided in all rooms held under low temperature at locations therein which will reflect true storage temperatures of foods in such rooms.

Conditions to license

28712. No frozen food locker plant shall be licensed under this chapter unless the following facilities are provided:

Sufficient chill or aging room space, freezing facilities, locker room, and facilities for cutting, preparing, wrapping and packaging meats and meat products, except that storage locker plants and branch locker plants need install only locker room facilities as specified in Section 28710.

Branch plant

28713. A branch plant may be operated only in conjunction with a parent locker plant which shall have processing facilities sufficiently large for the locker plant and all branch plants.

Existing noncomplying plants

28714. Existing frozen food locker plants which do not now comply with this chapter may be licensed for one year, but such locker plants shall comply with this chapter by not later than the end of said one-year period, except that under extenuating circumstances and conditions the director may extend such one-year limitation. Existing storage locker plants which engage in service locker plant operations as defined in Section 28700 shall comply with all provisions of this chapter governing such service locker plants.

Fish and game laws applicable

28715. Storage of fish and game by patrons shall comply with federal and state fish and game laws. All pertinent abstracts of state and federal fish and game regulations shall be furnished by the department and shall be conspicuously displayed in the locker plant.

Records of rentals

28716. Every operator of a frozen food locker plant, shall keep a record showing names and addresses of renters of lockers and such records shall be available for examination by the Director of the Department of Agriculture or his representatives during business hours of such plants.

Products stored

28717. Only food for human consumption, or clean, sanitary by-products therefrom to be used for food, shall be stored in the frozen food locker plant.

Lien for charges

28718. The person owning or operating a frozen food locker plant shall have a lien upon all property therein for all charges due from the owner of such property. Such lien may be secured and enforced in the same manner as warehousemen's liens are secured and enforced.

Laws applicable

28719. Operators of frozen food locker plants operating solely as such shall not be construed to be warehousemen or public utilities, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their locker business be construed to be warehouse receipts or subject to the laws applicable thereto.

Exemptions

28720. Cold storage or refrigerating warehouses subject to Chapter 5 of this division shall be exempt from the provisions of this chapter.

Revocation of license

28721. The department, after notice and hearing, may revoke the license issued for any frozen food locker plant for

failure to comply with the provisions of this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

Review of order

28722. In the event the director suspends or revokes any license, the licensee may obtain judicial review of such order by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure in the superior court of the county in which the licensed premises are located within thirty (30) days from the date notice in writing of the director's order revoking or suspending such license has been served upon said licensee.

Liability of owner, etc

28723. The liability of the owner or operator of lockers for loss of goods in lockers or in the owner's or operator's care shall be limited to negligence of the owner or operator or his employee.

Correction, etc., of rules, etc

28724. Upon the signed petition of at least 25 owners or operators of frozen food locker plants licensed under this chapter, the director shall within 10 days after receipt of said petition, cause to be held at such places and at such times as he may provide, a public hearing for the purpose of gathering facts and data for the revision, correction or amendment of any rule or regulation issued pertaining to this chapter.

Short title

28725. This act shall be known as the "Frozen Food Locker Plant Act of 1951."

Constitutionality

SEC. 2. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair, nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which said judgment or decree shall have been rendered.

Appropriation Department of Public Health

SEC. 3. The sum of eighteen thousand two hundred sixty dollars ($18,260) is hereby appropriated out of the General Fund in the State Treasury in augmentation of Item 231 of the Budget Act of 1951 to be expended by the Department of Public Health during the 1951-52 Fiscal Year in carrying out the provisions of this act.

CHAPTER 1595

An act to add Article 1.5 to Chapter 2, Division 10 of the Education Code, relating to the Public School System and making an appropriation therefor.

[Approved by Governor July 17, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Article 1.5 is added to Chapter 2, Division 10 of the Education Code, to read:

Article 1.5. State College Council

State College Council

20320. There is hereby created the State College Council which shall consist of the Director of Education and 11 additional members appointed by the Governor. Of the members appointed by the Governor, one shall be appointed from the membership of the advisory board of each state college, one shall be appointed from the membership of the Board of Governors of the California Maritime Academy, and one shall be appointed from a list of five persons not holding salaried educational positions nominated by the president of the California State Polytechnic College.

Duration

20321. The council shall remain in existence until June 30, 1953.

Vacancies

20322. Any vacancy shall be filled by the Governor from the same board or list from which the member creating the vacancy was appointed.

Meetings

20323. The council shall meet not more than twice in any fiscal year.

Organization, etc

20324. At the first meeting of the council and at its first meeting following any change in membership, the council shall organize or reorganize, as the case may be, by electing one of its members president.

Secretary

20325. The council shall appoint a secretary who shall act as executive officer of the council. He shall have charge of all its correspondence and shall keep a record of its proceedings.

Notice of meetings

20326. Notice of each meeting shall be given by the secretary by registered mail to each member of the council at least 10 days prior to the time of the meeting. Notice of the meeting may be waived in writing by all members of the council.

Compensation

20327. Members of the council shall receive their actual and necessary traveling expenses while on official business and a per diem of fourteen dollars ($14) a day while attending the regular meetings of the council.

Duties of council

20328. The council shall study the need for the establishment of an advisory council or similar agency for all state colleges, and the California Maritime Academy. It shall also study and make recommendations for the improvement of the organization and administration of the state colleges and the California Maritime Academy.

Report to Legislature

20329. The council shall submit a report of its conclusions and recommendations to the Legislature on or before March 1, 1953.

Appropriation Department of Education

SEC. 2. The sum of one thousand two hundred dollars ($1,200) is hereby appropriated to the Department of Education to be expended during the 1951-1952 Fiscal Year for the payment of the actual and necessary traveling expenses and per diem of the members of the State College Council.

CHAPTER 1596

An act to add Section 17.1 to the State Water Resources Act of 1945, authorizing the State Water Resources Board to contract with public and private organizations and persons for research work relative to the production and control of rainfall by artificial means, and making an appropriation therefor.

Stats. 1945, p. 2827

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 17.1 is added to the State Water Resources Act of 1945, to read:

Sec. 17.1. The Water Resources Board is authorized to contract with public and private organizations and persons for research relative to the production and control of rainfall by artificial means.

Artificial rainfall

SEC. 2. There is hereby appropriated to the State Water Resources Board out of the General Fund in the State Treasury fifty thousand dollars ($50,000) to be expended in research in the production and control of rainfall by artificial means.

Appropriation

CHAPTER 1597

An act authorizing the expenditure of certain sums for construction, improvements, and equipment of a building in the County of Sacramento for the State Department of the California Highway Patrol and the Office of Civil Defense, and to add Sections 13115.5 and 13115.6 to the Government Code, relating to the approval by the Department of Finance of investment of funds by certain state agencies.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 18, 1951.]

In effect September 22, 1951

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

SECTION 1. The Director of Finance may construct, improve, and equip a building and related facilities, including landscaping, in the County of Sacramento, for the use of the State Department of the California Highway Patrol and the Office of Civil Defense.

Building, etc., for Highway Patrol, etc.

SEC. 2. For the purposes of Section 1 of this act, the State Department of the California Highway Patrol may expend the sum of six hundred twenty-five thousand dollars ($625,000) and the Director of Finance the sum of three hundred thousand dollars ($300,000).

Limitation

SEC. 3. Section 13115.5 is added to the Government Code, to read:

Agreement with state agency

13115.5. Notwithstanding any other provision of law the Department of Finance is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the State Department of the California Highway Patrol and the Governor whereby the agency agrees to invest with the State Department of the California Highway Patrol and the Governor funds not exceeding the sum of nine hundred twenty-five thousand dollars ($925,000) for construction, improvements, and equipment of buildings and other facilities, including landscaping, in the County of Sacramento for the State Department of the California Highway Patrol and the Office of Civil Defense. The agreement shall provide for the liquidation of the investment with interest at a rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the State Department of the California Highway Patrol and the Governor for the purpose.

Authorized investment

Any state agency authorized to invest funds under its control and the State Department of the California Highway Patrol and the Governor are hereby authorized to enter into the above agreement.

Investment of special funds

Whenever under any general or special statute the Director of Finance is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of Finance under this section shall not exceed nine hundred twenty-five thousand dollars ($925,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of Finance and the State Department of the California Highway Patrol and the Governor providing for the investment of such funds and the liquidation of the investment with interest at the rate agreed upon between the parties out of rental charges to be paid by the agencies using the building or from other funds available to the State Department of the California Highway Patrol and the Governor for such purpose.

SEC. 4. Section 13115.6 is hereby added to the Government Code, to read:

Appropriation to liquidate investment

13115.6. Such amount as may be necessary to pay monthly the amount required for liquidation of the investment, with interest at the rate agreed upon between the parties, in any agreements entered into between the State Department of the California Highway Patrol and the Governor and any other state agency, pursuant to the provisions of Section 13115.5 of the Government Code, is hereby appropriated each fiscal year from the State Treasury Of the amount so appropriated, so much thereof as is necessary to liquidate the investment in the building for the State Department of the California Highway Patrol is payable from the Motor Vehicle Fund, and the balance necessary for such liquidation is payable from the General Fund. The money herein appropriated shall be allotted to the State Department of the California Highway Patrol and the Governor by the Director of

Finance for support in such amounts as he may determine to be necessary, and shall become available only if the Department of Finance certifies to the State Controller that the amount required monthly to liquidate the investment, with interest at the rate agreed upon, has not been included in the Budget Act for such fiscal year for support of the State Department of the California Highway Patrol for such portion of the building which has been provided for its use, or has not been included in the Budget Act for any fiscal year for such portion of the building which has been provided for the use of the Office of Civil Defense.

CHAPTER 1598

An act to add Sections 549, 550, 551, 552, 553, 554, and 555 to the Fish and Game Code, relating to fish screens.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Sections 549, 550, 551, 552, 553, 554, and 555 are added to the Fish and Game Code, to read:

Application

549. Sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537, 538, 539, 540, and 541 of the Fish and Game Code shall apply only to diversions described in Section 536.9, and diversions with a maximum flow capacity over 250 cubic feet per second of water. In classifying diversions it is recognized that those involving the passage of water through power devices and those of large size tend to destroy fish in a greater degree than diversions of smaller size or different type. If this section is for any reason held to be unconstitutional such decision shall not affect the validity of Sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537, 538, 539, 540, 541, or 536.9, and the Legislature hereby declares that the persons, firms or private corporations owning diversions referred to in this section shall be subject to the provisions of Sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537, 538, 539, 540, 541, or 536.9.

Constitutionality

Application

550. Sections 551 to 555 inclusive shall apply only to diversions with a maximum flow capacity of 250 cubic feet per second or less of water, other than those diversions described in Section 536.9. If this section is for any reason held to be unconstitutional such decision shall not affect the validity of Sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537, 538, 539, 540, 541 or 536.9, and the Legislature hereby declares that the persons, firms or private corporations owning diversions referred to in this section shall be subject to the provisions of Sections 535, 536, 536.5, 536.6, 536.7, 536.8, 537, 538, 539, 540, 541 or 536.9.

Examination of fish screens, etc

551. The department shall examine new or existing conduits and is authorized to install, maintain, repair, and replace therein fish screens and by-passes or other devices to prevent the passage of fish through the conduit, when in the opinion of

the department such a screen or device is practical and necessary; provided, that the owner shall grant to the department the right of access to the conduit for the installation and maintenance of the screen and shall provide the department with an easement for a site for the installation of the screen or device deemed suitable by the department; and provided further, that

By-passes

the owner shall supply sufficient water for a by-pass to carry fish stopped by the screen or device back to the channel from which they were diverted and an easement for the by-pass channel; provided, however, that said easement shall not require the acquisition or leasing of additional lands by the owner. No water for a by-pass shall be required if the channel from which the water is diverted is dry or incapable of supporting fish life below the point of diversion. Sufficient water for the by-pass shall be not to exceed the following amounts:

Diversions under 3 cfs capacity shall not be required to by-pass more than 18 gallons per minute.

Diversions of 3 cfs or more, but under 10 cfs, shall not be required to by-pass more than 30 gallons per minute.

Diversions of 10 cfs or more, but under 20 cfs, shall not be required to by-pass more than 40 gallons per minute.

Diversions of 20 cfs or over shall not be required to by-pass more than one-half of 1 percent of the capacity of the diversion.

Diversions built by the Government of the United States and requiring by-passes longer than one-quarter mile shall by-pass such amount of water as is necessary to return fish to the permanent channel satisfactorily.

Notice of intention to install screen

552. The department shall serve prior written notice upon each owner of its intention to install a fish screen, and shall describe therein the distance downstream from the intake or in other manner the location of the screen, the access required, and the amount of water required for the by-pass. Said notice shall be served upon the owner in duplicate, and in such form that the original copy upon signature by the owner shall serve as an agreement to the installation of the screen or device under the terms therein, and shall require the owner to render such assistance other than mechanical repair or replacement of parts necessary to keep the screen or device in satisfactory operating condition; provided, that the hiring of additional labor shall not be required for such assistance. If the owner fails to sign and return the agreement granting the department the necessary rights for the installation of the screen or device within 60 days after issuance, the department may install the screen as though the order had been signed. In the event the department and the owner of the conduit cannot agree upon the type, size, mesh or location of the screen, or the amount of water required for a by-pass, or the time within which the same shall be installed such matters shall be submitted to the Chief of the Division of Water Resources of the State of California whose decision thereon shall be final and conclusive The Chief of the Division of Water Resources shall render his decision within 60

days after either the department or the owner has submitted such matters in writing and requested a decision.

553. It is unlawful for the owner of a conduit to cause or permit a screen to be removed or taken out of place, except for repairs or cleaning, while water is running in said conduit, or to operate the ditch with the by-pass closed when the screen is operating as provided in this article. Unlawful acts

554. Any screen installed under any of the provisions of this article shall be such as will be reasonably adequate to prevent fish from passing into the conduit and such as will not unnecessarily impede the flow of water or prevent the owner from diverting the amount of water he is legally entitled to divert. Screen requirements

555. Nothing in Sections 551, 552, 553, 554, 555, shall prevent the department from removing or permitting an owner to remove a screen or close a by-pass during any part of the year when the department finds that such action will not endanger fish life. Construction

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CHAPTER 1599

An act to amend Sections 9801, 9802, 9807, 9807.1, 9807.2, 9808, 5153.5, 7102.1, and 7104 of, and to add Sections 9801.1, 9801.2, 7102.2, and 7104.1 to, the Education Code, relating to mentally retarded minors.

[Approved by Governor July 18, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 9801 of the Education Code is amended to read:

9801. "Mentally retarded minors" means all minors who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated profitably and efficiently through ordinary classroom instruction. "Mentally retarded minors"

SEC. 2. Section 9801.1 is added to said code, to read:

9801.1. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in this chapter. Provisions for education

SEC. 3. Section 9801.2 is added to said code, to read:

9801.2. The education of mentally retarded minors who do not come within the provisions of Section 9801.1, who are five or more, and less than 18 years of age, and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, may be provided for in the manner set forth in this chapter. Same

Each school district or county superintendent of schools maintaining special training schools or classes for such mentally retarded minors may limit the number of minors to be admitted to such schools or classes.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

SEC. 4. Section 9802 of said code is amended to read:

Provision for special training schools, etc

9802. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 9801.1 and who are not in attendance upon other special training schools or classes maintained under the provisions of this chapter.

The governing board of any elementary or unified school district may provide for the education of mentally retarded minors residing in the district who come within the provisions of Section 9801.2.

SEC. 5. Section 9807 of said code is amended to read:

Same

9807. County superintendents of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 900 and who come within the provisions of Section 9801.1. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. All costs incurred by the county superintendent of schools under this chapter shall be paid by him from the county school service fund.

County superintendents of schools may establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 9801.2.

SEC. 6. Section 9807.1 of said code is amended to read:

Education, transportation, etc., authorized

9807.1. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 9802 and 9802.1 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes maintained by another school district or by a county superintendent of schools under this chapter, subject to such terms and conditions as may be agreed upon.

SEC. 7. Section 9807.2 of said code is amended to read:

Same

9807.2. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 9807 for mentally retarded minors may provide for the education of such minors in, and for the transportation of such minors to, special training schools or classes

maintained by a school district or by a county superintendent of schools under this chapter, subject to such terms and conditions as may be agreed upon

SEC. 8. Section 9808 of said code is amended to read:

Certification of sum required

9808. The county superintendent of schools shall on or before July 15th of each year, certify to the county auditor and the board of supervisors the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 9801.1 and for rental of property by the county superintendent of schools for special training schools or classes for such minors. The county superintendent of schools shall also on or before July 15th of each year, certify to the county auditor and the board of supervisors the amount of money required to be raised for the education of mentally retarded minors who come within the provisions of Section 9801 2. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded minors and by adding to the result the amount required for rental of property The board of supervisors may include in such amount a sum for capital outlay.

Tax levy

The board of supervisors shall at the time of levying other county taxes levy a county tax for the education of mentally retarded minors who come within the provisions of Section 9801.1 upon the taxable property of the county sufficient to produce the amount required and may increase such tax in such amount as will produce the amount required for the education of mentally retarded minors who come within the provisions of Section 9801 2. The amount received from this tax shall be deposited in the county school service fund.

SEC. 9. Section 5153 5 of said code is amended to read:

Additional funds

5153 5. In addition there shall be provided such sums as the Superintendent of Public Instruction shall allow to school districts and county school service funds under Sections 7102.1, 7102.2, 7104, and 7104.1.

SEC. 10. Section 7102.1 of said code is amended to read:

Mentally retarded minors

7102 1. The Superintendent of Public Instruction shall allow to each school district an amount equal to 75 percent of the excess cost, including transportation, to the school district, of educating mentally retarded minors who come within the provisions of Section 9801.1 during the preceding fiscal year in special schools or classes but not in excess of one hundred fifty dollars ($150) per unit of average daily attendance of such minors

SEC. 11. Section 7102.2 is added to said code, to read:

Same

7102 2. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess cost to the district, including transportation, of educating mentally retarded minors who come within the provisions of Section

9801.2 during the preceding fiscal year but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors.

SEC. 12. Section 7104 of said code is amended to read:

Same

7104. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to 75 percent of the excess cost, including transportation, to the county superintendent of schools of education of mentally retarded minors coming within the provisions of Section 9801.1, during the preceding fiscal year in special schools or classes but not in excess of one hundred fifty dollars ($150) per unit of average daily attendance of such minors.

SEC. 13. Section 7104.1 is added to said code, to read:

Same

7104.1. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to the excess cost to the county superintendent of schools, including transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of two hundred dollars ($200) per unit of average daily attendance of such minors.

Operative date

SEC. 14. Sections 9, 10, 11, 12, and 13 of this act shall not take effect until July 1, 1952.

CHAPTER 1600

An act to amend Sections 11382.5, 11409.5, and 26803.5 of the Government Code, relating to keeping and maintaining in each county copies of the California Administrative Code and Register.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Section 11382.5 of the Government Code is amended to read:

California Administrative Code or Register

11382.5. Within 10 days from the receipt of printed copies of the California Administrative Code or of the California Administrative Register from the State Printing Office, the department shall file one copy of the particular issue of the code or register in the office of the county clerk of each county in this State, or if the authority to accept filings on his behalf has been delegated by the county clerk of any county pursuant to Section 26803.5 of this code, in the office of the person to whom such authority has been delegated.

SEC. 2. Section 11409.5 of the said code is amended to read:

Set of codes and registers to each county

11409.5. The department shall supply a complete set of the California Administrative Code, and of the California Administrative Register, which have been or are published and of each supplement to such code or register to the county clerk of

each county, or if the authority to accept filings on his behalf has been delegated by the county clerk of any county pursuant to Section 26803.5 of this code, to the person to whom such authority has been delegated.

SEC. 3. Section 26803.5 of said code is amended to read:

Retention of regulation and order of repeal by county clerk

26803.5. Each regulation and order of repeal of a regulation filed with a county clerk pursuant to Article 2 of Chapter 4, Part 1, Division 3, Title 2, of this code shall be retained in an active file, available for public inspection, until receipt by the county clerk of the next California Administrative Register or supplement to the California Administrative Code in which such regulation, order of repeal or notice thereof, is published.

The county clerk shall at all times keep a complete current set of the California Administrative Code, and the California Administrative Register available for public inspection.

If the county clerk of any county in this State is satisfied that the code and register will be maintained in accordance with the requirements of this section, he may delegate the authority to receive filings on his behalf and to maintain the code and register on his behalf to a paid county law librarian or to the librarian in charge of the county library.

CHAPTER 1601

An act to amend Section 261a.5 of, and to add Section 261h to, the Code of Civil Procedure, relating to shorthand reporters.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 261a.5 of the Code of Civil Procedure is amended to read:

Phonographic reporters

261a.5. In each county, or city and county, having a population of 275,000 inhabitants or over, as determined by the federal census taken in 1940, the judges of the superior court in and for such county, or city and county, a majority concurring, to assist the court in the transaction of the judicial business of said court, by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring.

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official

reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter.

Each of said regular official reporters shall be paid a salary of six thousand dollars ($6,000) per annum, and each of said pro tempore official reporters shall be paid twenty dollars ($20) per day for the days he actually is on duty under order of the court.

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case.

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited.

In addition to a fee or fees required by other law or laws, there shall be paid to the county clerk of such county, by each party, or jointly by the parties appearing jointly, a fee of three dollars ($3), except that in counties, or cities and counties, of 750,000 inhabitants or over, as determined by the 1950 federal census, the fee shall be five dollars ($5), in each of the following instances:

(1) Where Section 26821 of the Government Code requires such party or parties to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Sections 26822 to 26825, inclusive, of the Government Code requires such party or parties to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 of the Government Code requires such party or parties to pay said clerk a fee on the appearance

in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of three dollars ($3), or five dollars ($5) in counties, or cities and counties, of 750,000 inhabitants or over, as determined by the 1950 federal census, as in this section provided.

(4) Where Section 26827 of the Government Code requires such party or parties to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code

The fee provided in this section shall not be required of any party who is exempted from the payment of costs by any statute other than Section 6103 of the Government Code.

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county.

SEC. 2. Section 261h is added to the Code of Civil Procedure, to read:

261h. Notwithstanding the provisions of Section 261b, or any other section in conflict herewith, in each county, or city and county, having a population of 750,000 inhabitants or over, as determined by the 1950 federal census, the salary of the regular official phonographic reporters shall be the sum of seven thousand five hundred dollars ($7,500) per annum, and the compensation of official phonographic reporters pro tempore shall be at the rate of twenty-five dollars ($25) per day. Phonographic reporters' salary

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CHAPTER 1602

An act to amend Section 20205 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 20205 of the Government Code is amended to read:

20205. Investments of the retirement fund are subject to the terms, conditions, limitations, and restrictions imposed by the laws of the State upon savings banks in the making of investments. Investments of retirement fund

Such investments may be made only upon the affirmative vote of at least four members of the board and upon the approval of the Director of Finance.

CHAPTER 1603

Stats 1935, p 1226

An act to add Section 306.5 to the Unemployment Insurance Act, authorizing the investment of funds in the Unemployment Compensation Disability Fund in the construction and equipment of buildings, offices and facilities for the primary use of the Department of Employment.

In effect September 22, 1951

[Approved by Governor July 19, 1951 Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Section 306.5 is added to the Unemployment Insurance Act, to read:

Use of Disability Fund for Department of Employment building construction

SEC. 306 5. Notwithstanding any other provision of law, the director may from time to time with the approval of the Department of Finance, invest the money in the Disability Fund for the construction and equipment of a building or buildings and appurtenant facilities for the use of the Department of Employment as a central office in Sacramento as herein provided. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, services, and negotiations, shall be a proper charge against that portion of the Disability Fund available by law for the payment of benefits and shall be deemed to constitute a part of the investment made under this section. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars ($9,500,000).

Any buildings or facilities provided under this section shall be primarily for the occupancy of the Department of Employment and, until such time as the investment is repaid as herein provided, shall be subject to the administration and supervision of the Department of Employment in accordance with rules and regulations which shall be established by said department with the approval of the Department of Finance. Such rules and regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

The director shall allocate space to the agencies and services comprising the department. Any buildings or facilities provided under this section may contain space in excess of the requirements of the Department of Employment and, until needed, may be leased or let by the director at such rental and upon such terms and conditions as may be approved by the Department of Finance.

For all space allocated by the director to the agencies and services comprising the department, or otherwise leased or let

by the director under this section, the director shall charge a rental, to be approved by the Department of Finance. All such rentals shall be paid into the Disability Fund as repayment of any money invested under the provisions of this section together with interest to be compounded annually at the close of business on December 31st of each year, at a reasonable rate to be determined by the director with the approval of the Department of Finance.

When the money invested under the provisions of this section for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest as provided herein, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof, shall vest, and shall thereafter be vested, in the Department of Finance; provided, however, the Department of Employment shall have priority to occupy any space within said buildings or facilities at rental rates not exceeding the cost of providing maintenance and other services.

The construction of buildings and facilities under this section shall be subject to the provisions of the State Contract Act. Gov C., §14250, ff

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CHAPTER 1604

An act to amend Section 902 of the Probate Code, relating to executors and administrators.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 902 of the Probate Code is amended to read:

902. Such further allowances may be made as the court may deem just and reasonable for any extraordinary services, such as sales or mortgages of real or personal property, contested or litigated claims against the estate, the preparation of estate, inheritance, income, sales or other tax returns, or the adjustment or litigation or payment of any of said taxes, litigation in regard to the property of the estate, the carrying on of the decedent's business pursuant to an order of the court, and such other litigation or special services as may be necessary for the executor or administrator to prosecute, defend, or perform. Executors, administrators

The executor or administrator may also employ or retain tax counsel, tax auditors, accountants, or other tax experts for the performance of any action which such persons, respectively, may lawfully perform in the computation, reporting, or making of tax returns, or in negotiations or litigation which may be necessary for the final determination and payment of taxes, and pay from the funds of the estate for such services.

CHAPTER 1605

An act to add Article 4 to Chapter 4 of Division 10 of the Education Code, relating to the education of deaf children.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Article 4 is added to Chapter 4 of Division 10 of the Education Code, to read:

Article 4. Services

Preschool and kindergarten service

20821. The State Department of Education, in connection with the California School for the Deaf, may establish and maintain a preschool and kindergarten service for the care and teaching of children under school age. The department shall prescribe the rules and regulations which shall govern the conduct of the preschool and kindergarten service, appoint such teachers as it determines necessary, and fix their salaries.

Courses for parents

20822. The State Department of Education, in connection with the California School for the Deaf, may offer courses of instruction to parents of a deaf child to assist and instruct the parents in the early care and training of such child, to train the child in play, and to do everything which will assure the child's physical, mental and social adjustment to its environment.

Testing center

20823. The Director of Education may authorize the California School for the Deaf to establish and maintain a testing center for deaf and hard of hearing minors. It shall be the purpose of this center to test hearing acuity and to give such other tests as may be necessary for advising parents and school authorities concerning an appropriate educational program for the child.

Scope

20824. Nothing in this article and no rule or regulation established thereunder shall authorize the compulsory physical examination or medical treatment of any child or minor if the parent or guardian objects on the ground that such examination or treatment is contrary to the religious beliefs of such parent or guardian.

CHAPTER 1606

An act to amend Section 7056 of the Business and Professions Code, relating to general engineering contractors.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Section 7056 of the Business and Professions Code is amended to read:

General engineering contractor

7056. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed

works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.

CHAPTER 1607

An act to amend Section 668 of the Elections Code, relating to precinct boards.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 668 of the Elections Code is amended to read:

Publishing polling places, election officers lists

668. Except in counties of the first class the county clerk, acting for the election board, shall also publish the list of the names of the election officers appointed and the polling places designated for each election precinct in any daily or weekly newspaper of general circulation designated by the election board and published in the county where the election is to be held, for two issues, the last publication to be at least one week before the day of election.

CHAPTER 1608

An act to amend Sections 97, 150, 230, 325, 337, 384a, 597f, 599a, 682, 726, 808, 859, 1143, 1203.02, 1203.1, 1203.12, 1278, 1298, 1309, 1327, 1391, 1431, 1432, 1432.1, 1488, 1529, 2623, 4022, 1269b, and 1426a of the Penal Code, all relating to courts of justice, various officers thereof, and judicial districts.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 97 of the Penal Code is amended to read:

Purchasing judgments

97. Every judge of a justice court or constable of the same judicial district who purchases or is interested in the purchase of any judgment or part thereof on the docket of, or on any docket in possession of such judge, is guilty of a misdemeanor.

SEC. 2. Section 150 of the Penal Code is amended to read:

Refusal to join posse comitatus

150. Every male person above 18 years of age who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who, after being arrested or confined, may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, being thereto lawfully required by any sheriff, deputy sheriff, coroner, constable, judge, or other officer concerned in the administration of justice, is punishable by fine of not less than fifty dollars ($50) nor more than one thousand dollars ($1,000).

SEC. 3. Section 230 of the Penal Code is amended to read:

Prevention of dueling

230. Every judge, sheriff, or other officer bound to preserve the public peace, who has knowledge of the intention on the part of any person to fight a duel, and who does not exert his official authority to arrest the party and prevent the duel, is punishable by fine not exceeding one thousand dollars ($1,000).

SEC. 4. Section 325 of the Penal Code is amended to read:

Forfeiture of money to State

325. All moneys and property offered for sale or distribution in violation of any of the provisions of this chapter are forfeited to the State, and may be recovered by information filed, or by an action brought by the Attorney General, or by any district attorney, in the name of the State. Upon the filing of the information or complaint, the clerk of the court, or if the suit be in a justice court, the judge, must issue an attachment against the property mentioned in the complaint or information, which attachment has the same force and effect against such property, and is issued in the same manner as attachments issued from the district courts in civil cases.

SEC. 5. Section 337 of the Penal Code is amended to read:

Encouragement of illegal activities

337. Every state, county, city, city and county, town, or judicial district officer, or other person who shall ask for, receive, or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt, or otherwise assist any person from arrest or conviction for a violation of Section 330 of the Penal Code; or who shall issue, deliver, or cause to be given or delivered to any person or persons, any license, permit, or other privilege, giving, or pretending to give, any authority or right to any person or persons to carry on, conduct, open, or cause to be opened, any game or games which are forbidden or prohibited by Section 330 of said code; and any of such officer or officers who shall vote for the passage of any ordinance or by-law, giving, granting, or pretending to give or grant to any person or persons any authority or privilege to open, carry on, conduct, or cause to be

opened, carried on, or conducted, any game or games prohibited by said Section 330 of the Penal Code, is guilty of a felony.

SEC. 6. Section 384a of the Penal Code is amended to read:

384a. Every person who within the State of California wilfully or negligently cuts, destroys, mutilates, or removes any native tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any native tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon State or county highway rights of way, or who removes leaf mold thereon; provided, however, that the provisions of this section shall not be construed to apply to any employee of the State or of any political subdivision thereof engaged in work upon any State, county or public road or highway while performing such work under the supervision of the State or of any political subdivision thereof, and every person who for commercial purposes wilfully or negligently cuts, destroys, mutilates or removes any native tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portions of any native tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, growing upon public land or upon land not his own, or leaf mold on the surface of public land or upon land not his own, without a written permit from the owner of the land signed by such owner or his authorized agent, and every person who knowingly sells, offers, or exposes for sale, or transports for sale, any native tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or portion of any tree or shrub, or fern or herb or bulb or cactus or flower, or huckleberry or redwood greens, or leaf mold, so cut or removed from state or county highway rights of way, or removed from public land or from land not owned by the person who cut or removed the same without the written permit from the owner of the land, signed by such owner or his authorized agent, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars ($200) or by imprisonment in a county jail for not more than six months or by both such fine and imprisonment.

Destroying, etc., native trees, shrubs, etc

The written permit required under this section shall be signed by the landowner, or his authorized agent, and acknowledged before a notary public, or other person authorized by law to take acknowledgments. One copy of such permit shall be given to the constable of the judicial district and one copy to the fire warden of the district in which the property is situated.

Any county or state fire warden, or any peace officer of the State of California, shall have full power to enforce the provisions hereof and to confiscate any and all such shrubs, trees, ferns or herbs or bulbs or cacti or flowers, or huckleberry or redwood greens or leaf mold, or parts thereof unlawfully cut or removed or knowingly sold, offered or exposed or transported for sale as hereinbefore provided.

The provisions of this section shall not be construed to apply to any native tree or shrub, or fern or herb or bulb or cactus or flower, or greens, declared by law to be a public nuisance.

The provisions of this section shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs, or ferns or herbs or bulbs or cacti or flowers, or greens if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility.

The provisions of this section do not apply to persons engaged in logging operations or in suppressing fires.

SEC. 7. Section 597f of the Penal Code is amended to read:

Treatment of animals

597f. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square, or lot, of any city, city and county, or judicial district, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, or officer of the humane society, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, or an officer of said society, to cause the same to be killed on information of such abandonment Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be lawfully recovered.

SEC. 8. Section 599a of the Penal Code is amended to read:

Warrants, cases concerning dumb animals

599a. When complaint is made, on oath, to any magistrate authorized to issue warrants in criminal cases, that the complainant believes that any provision of law relating to, or in any way affecting, dumb animals or birds, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a warrant directed to any sheriff, constable, police or peace officer or officer of any incorporated association qualified as provided by law, authorizing him to enter and search such building or place, and to arrest any person there present violating, or attempting to violate, any law relating to, or in any way affecting, dumb animals or birds, and to bring such person before some court or magistrate

of competent jurisdiction, within the city, city and county, or judicial district within which such offense has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a violation of Section 597.

SEC. 9. Section 682 of the Penal Code is amended to read:

682. Every public offense must be prosecuted by indictment or information, except: Prosecution by indictment or information

1. Where proceedings are had for the removal of civil officers of the State;

2. Offenses arising in the militia when in actual service, and in the land and naval forces in the time of war, or which the State may keep, with the consent of Congress, in time of peace;

3. Offenses tried in municipal and justice courts;

4. All misdemeanors of which jurisdiction has been conferred upon superior courts sitting as juvenile courts;

5. A felony to which the defendant has pleaded guilty to the complaint before a magistrate, where permitted by law.

SEC. 10. Section 726 of the Penal Code is amended to read:

726. Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county and his deputies, the officials governing the town or city, or the judges of the justice courts and constables thereof, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the State, immediately to disperse. Unlawful assemblies

SEC. 11. Section 808 of the Penal Code is amended to read:

808. The following persons are magistrates: Magistrates

1. The justices of the Supreme Court;

2 The justices of the district courts of appeal;

3. The judges of the superior court;

4. The judges of the municipal court;

5. The judges of the justice courts.

SEC. 12. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense, over which the superior court has original jurisdiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the judicial district in which the court is situated. The officer must, without delay and without fee, perform that duty. Arraignment

SEC. 13. Section 1143 of the Penal Code is amended to read:

Jurors' fees

1143. The fees of jurors in the superior and municipal courts and justice courts of the State, in criminal cases, shall be three dollars ($3), in lawful money of the United States, for each day's attendance, and mileage, to be computed at the rate of fifteen cents ($0.15) per mile for each mile necessarily traveled in attending court, in going only. Such fees and mileage shall be paid by the treasurer of the county, or city and county, in which the juror's services were rendered, out of the general fund of said county, or city and county, upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county, or city and county, shall pay said warrants. The board of supervisors of each county, or city and county, is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

All acts and parts of acts in conflict herewith are repealed so far as the same conflict with this section.

SEC. 14. Section 1203.02 of the Penal Code is amended to read:

Probation

1203.02. The court, or judge thereof, in granting probation to a defendant convicted of any of the offenses enumerated in Section 290 of this code shall inquire into the question whether the defendant at the time the offense was committed was intoxicated or addicted to the excessive use of alcoholic liquor or beverages at that time or immediately prior thereto, and if the court, or judge thereof, believes that the defendant was so intoxicated, or so addicted, such court, or judge thereof, shall require as a condition of such probation that the defendant totally abstain from the use of alcoholic liquor or beverages

SEC. 15. Section 1203.1 of the Penal Code is amended to read:

Same

1203.1. The court or judge thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, or judge thereof, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; provided, however, that where the maximum possible term of such sentence is three years or less, then such period of suspension of imposition or execution of sentence may, in the discretion of the court, continue for not over three years; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in

such camp, farms, or other public work instead of in jail, and Section 4041.12 of the Political Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation of such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and apply such earnings as directed by the court.

In all such cases if as a condition of probation a judge of the superior court sitting by authority of law elsewhere than at the county seat requires a convicted person to serve sentence at intermittent periods such sentence may be served on the order of the judge at the city jail nearest to the place at which the court is sitting, and the cost of his maintenance shall be a county charge.

The court may impose and require any or all of the above mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer, that should the probationer violate any of the terms or conditions imposed by the court in the instant matter, it shall have authority to modify and change any and all such terms and conditions and to reimprison the probationer in the county jail within the limitations of the penalty of the public offense involved. Upon the defendant being released from the county jail under the terms of probation as originally granted or any modification subsequently made, and in all cases where confinement in a county jail has not been a condition of the grant of probation, the court shall place the defendant or probationer in and under the charge of the probation officer of the court, for the period or term fixed for probation; provided, however, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the event of modification. In counties and cities and counties in which there are facilities for taking fingerprints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Any other provision of law to the contrary notwithstanding, all fines collected by a county probation officer in any of the courts of this State, as a condition of the granting of probation, or as a part of the terms of probation, shall be paid into the

county treasury and placed in the general fund, for the use and benefit of the county.

SEC. 16. Section 1203.12 of the Penal Code is amended to read:

Statement of probation terms

1203.12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, or judge, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

SEC. 17. Section 1278 of the Penal Code is amended to read:

Bail form

1278. Bail is put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An order having been made on the _____day of_____, 19____, by _____, a judge of a justice court of _____ County (or as the case may be), that _____ be held to answer upon a charge of (stating briefly the nature of the offense), upon which he has been admitted to bail in the sum of _____ dollars ($_____); we, _____, and _____ (stating their place of residence and occupation), hereby undertake that the above named _____ will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and if convicted, will appear for judgment and render himself in execution thereof, or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties), and the defendant if he be a party to the bond, for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 18. Section 1298 of the Penal Code is amended to read:

Bail security

1298. In lieu of a deposit of money, the defendant or any other person may deposit bonds of the United States or of the State of California of the face value of the cash deposit required, and such bonds shall be treated in the same manner as a deposit of money or the defendant may give as security any equity in real property which he owns. A hearing, at which witnesses may be called or examined, must be held before the

magistrate to determine the value of such equity and if the magistrate finds that the value of such equity is equal to twice the amount of the cash deposit required he shall allow such bail. The clerk shall, under order of the court, when occasion arises therefor, sell the said bonds or the equity and apply the proceeds of such sale in the manner that a deposit of cash may be required to be applied.

The county treasurer shall, upon request of the judge, keep such deposit and return it to the clerk on order of the judge.

SEC. 19. Section 1309 of the Penal Code is amended to read:

1309. Whenever any money has been or is deposited as bail in any criminal action or proceeding in a court or in any proceeding in habeas corpus in a superior court either before or after the effective date of this code section and it is made to appear to the satisfaction of the court or judge by affidavit or by testimony in open court that more than three years have elapsed since the exoneration or release of said bail and that said money cannot be paid out because the owner thereof cannot be found, the court or judge must direct that such money shall be deposited in the general fund of the county. Unclaimed bail

SEC. 20. Section 1327 of the Penal Code is amended to read:

1327. A subpena authorized by the last section must be substantially in the following form: Subpena form

The People of the State of California to A. B.:

You are commanded to appear before C. D., a judge of the justice court of _____ judicial district, in _____ county (or as the case may be), at (naming the place), on (stating the day and hour), as a witness in a criminal action prosecuted by the people of the State of California against E. F.

Given under my hand this _____ day of _____, A. D. 19 ____. G. H., Judge of the Justice Court, (or "J. K., District Attorney," or "By order of the court, L. M., Clerk," or as the case may be). If books, papers, or documents are required, a direction to the following effect must be contained in the subpena: "And you are required, also, to bring with you the following" (describing intelligibly the books, papers, or documents required).

SEC. 21. Section 1391 of the Penal Code is amended to read:

1391. The summons must be substantially in the following form: Summons form

County of (as the case may be).

The People of the State of California to the (naming the corporation):

You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer a charge made against you upon the information of A. B. (or the presentment of the grand jury of the county, as the case may be), for (designating the offense generally).

Dated at the city (or judicial district) of _____, this _____ day of _____, 19 ____.

G. H., Judge of the Justice Court (or as the case may be).

SEC. 22. Section 1431 of the Penal Code is amended to read:

Change of venue

1431. If the action or proceeding is in a justice court, a change of the place of trial may be had at any time before the trial commences:

1. When it appears from the affidavit of the defendant that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the judge about to try the case, by reason of the prejudice or bias of such judge, the cause must be transferred to another judge of the same or an adjoining judicial district.

2. When it appears from affidavits that defendant cannot have a fair and impartial trial, by reason of the prejudice of the citizens of the judicial district, the cause must be transferred to a judge of a judicial district where the same prejudice does not exist.

3. When it appears from affidavits of the prosecution that such change will be for the convenience of the people and of the defendant and when the defendant and his attorney, if any, consent in writing, to such change, the cause must be transferred to a judge of another judicial district in the same county.

SEC. 23. Section 1432 of the Penal Code is amended to read:

Same

1432. When a change of the place of trial is ordered, the judge must transmit to the judge before whom the trial is to be had all the original papers in the cause, with a certified copy of the minutes of his proceedings; and upon receipt thereof, the judge to whom they are delivered must proceed with the trial in the same manner as if the proceeding or action had been originally commenced in his court.

SEC. 24. Section 1432.1 of the Penal Code is amended to read:

Complaint against justice court judge

1432.1. When a complaint is filed in a justice court against a judge thereof, a certificate of that fact must be transmitted by the clerk of the court, or, if there be no clerk of the court, then by the district attorney of the county, to the chairman of the judicial council, who shall thereupon designate and assign another judge of a justice court of the same county to preside at the trial of said complaint and to hear and determine all pleas and motions affecting the defendant thereunder before and after judgment.

SEC. 25. Section 1488 of the Penal Code is amended to read:

Warrants of commitment

1488. If any person is committed to prison, or is in custody of any officer on any criminal charge, by virtue of any warrant of commitment of a magistrate, such person must not be discharged on the ground of any mere defect of form in the warrant of commitment.

SEC. 26. Section 1529 of the Penal Code is amended to read:

1529. The warrant must be in substantially the following form: Form of warrant

County of _____.

The people of the State of California to Any Sheriff, Constable, Marshal, or Policeman in the County of _____:

Proof, by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), that (stating the grounds of the application, according to Section 1525, or, if the affidavit be not positive, that there is probable cause for believing that _____ stating the ground of the application in the same manner), you are therefore commanded, in the daytime (or at any time of the day or night, as the case may be, according to Section 1533), to make immediate search on the person of C. D. (or in the house situated _____, describing it or any other place to be searched, with reasonable particularity, as the case may be) for the following property: (describing it with reasonable particularity); and if you find the same or any part thereof, to bring it forthwith before me at (stating the place).

Given under my hand, and dated this _____ day of _____, A.D. 19___.

E. F., Judge of the Justice Court (or as the case may be).

SEC. 27. Section 2623 of the Penal Code is amended to read:

2623. If in a civil action or special proceeding a witness be a prisoner, confined in a state prison within this State, an order for his examination in the prison by deposition may be made. Prisoner witnesses in civil proceedings

1. By the court itself in which the action or special proceeding is pending, unless it be a justice court or small claims court.

2. By a judge of the superior court of the county where the action or proceeding is pending, if pending before a justice or small claims court or before a judge or other person out of court.

Such order can only be made on the motion of a party, upon affidavit showing the nature of the action or proceeding, the testimony expected from the witness, and its materiality. The deposition, when ordered, shall be taken in accordance with Section 2622.

SEC. 28. Section 4022 of the Penal Code is amended to read:

4022. Whenever by the terms of this code, or of any other law of the State, it is provided that a prisoner shall be confined in any county jail, such provision shall be construed to authorize the confinement of any prisoner convicted in a municipal or justice court to be confined in a city jail of the city in which the offense was committed, and as to such prisoner so confined in such city jail, the designations, county jail and city jail shall be Confinement in county jail

interchangeable, and in such case the obligations to which the county is liable in case of confinement in a county jail, shall become liabilities of the city where such prisoner is confined in a city jail.

SEC. 29. Section 1269b of the Penal Code is amended to read:

Bail acceptance

1269b. In a municipal court, the clerk of the court shall, in the absence of a judge of said court, have authority to accept bail for the appearance before said court of any defendant charged in such court with a misdemeanor; provided, the amount thereof shall be in accordance with a schedule of bail in such cases previously fixed and approved by the judges of said court unless a warrant shall have been issued for the arrest of the defendant, in which case the bail shall be in the amount fixed in the warrant; and provided also, the bail shall be cash or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code of the State of California.

The authority to accept bail as in this section provided shall include authority to approve the same, to issue and sign an order for the release of the defendant, and to set a time and place for the appearance of the defendant before the appropriate division or judge of such court and give the defendant notice thereof.

SEC. 30. Section 1426a of the Penal Code is amended to read:

Statute of limitations

1426a. A complaint for any misdemeanor triable in a justice court must be filed within one year after its commission.

SEC. 31. The provisions of this act shall not become operative before January 1, 1952, and the provisions thereof do not affect any municipal, justice's, police or city court which continues to exist as presently organized or any judge, justice, officer or employee of such court, but such courts and judges, justices, officers and employees shall be governed until January 5, 1953, by the same laws and with the same force as if this act had not been enacted; and those laws are hereby expressly continued in force and effect, and the text thereof preserved, for such courts and judges, justices, officers and employees until January 5, 1953

CHAPTER 1609

An act to amend Section 428 of, and to add Section 428.1 to, the Fish and Game Code, relating to fishing licenses

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Section 428 of the Fish and Game Code is amended to read:

Sporting fishing licenses

428. Class B. A sporting fishing license, granting the privilege to take fish for purposes other than profit shall be issued:

(a) To any citizen of the United States, over the age of 16 years, who is a resident of this State, upon the payment of three dollars ($3).

(b) To any nonresident or alien, over the age of 16 years, upon the payment of ten dollars ($10).

(c) To any citizen of the United States, over the age of 16 years, not a resident of this State, upon the payment of three dollars ($3) for a period of 10 days from date of issue.

The amendments to this section shall become effective with the issuance of licenses for the 1952 fishing season.

SEC. 2. Section 428.1 is added to said code, to read.

428.1. In addition to the sporting fishing licenses provided for in Section 428, a sporting fishing license may be issued, commencing with the issuance of fishing licenses for the 1952 fishing season, to any citizen of the United States over the age of 16 years upon payment of a fee of one dollar ($1) for a period of three days from date of issue. Such license shall grant the privilege of taking fish from waters of the Pacific Ocean only. The provisions of this section shall become operative only if Assembly Bill No. 50 of the 1951 Regular Session is finally enacted. If the provisions of this section become operative they shall remain in effect until the ninety-first day after final adjournment of the 1953 Regular Session and thereafter shall have no force or effect.

License to take Pacific Ocean fish only

Effect Stats. 1951, Ch. 1186

CHAPTER 1610

An act to amend Sections 39.1 and 340 of the Fish and Game Code, relating to fish and game.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 39.1 of the Fish and Game Code is amended to read:

39.1. Whenever after due investigation the commission shall find that big game animals and upland game birds have increased in numbers in any fish and game district or refuge to such an extent that a surplus exists, or to such an extent that such animals or birds are damaging public or private property, or are overgrazing their range, the commission is hereby authorized to provide, by order, for a special hunting season for such animals and birds, additional to, or concurrent with any open season specified by law; or to provide for increased bag limits; or to remove sex restrictions specified by law. Prior to the making of such an order the commission at an open meeting shall publicly announce the contents of the proposed order and fix a time and place at which a hearing on the proposed order shall be held. The time shall be not less than 35 days from the day of said meeting and the place shall be the county seat of the county

Special hunting season

in which the area to be affected by the order lies or, if such area lies in more than one county, the county seat of the county in which the greater portion of such area lies. Notice of the hearing shall be published at least once, and at least 30 days prior to the hearing, in a newspaper of general circulation in the county in which the hearing is to be held, or if no such newspaper is published in said county then in such a newspaper in an adjoining county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested so to do by the commission. Such employees of the department as may be necessary or are requested by any interested group of persons, shall be present at the hearing. After the hearing the commission may abandon the proposal or make a final order, with any modifications it deems appropriate or without modification.

The order may fix a license fee for special hunting, designate the number of special licenses to be issued, the area in which such hunting will be permitted, the number and sex of animals or birds that may be killed by each holder of special license, and the conditions and regulations to govern such hunting. The money received from the sale of such licenses shall be paid into the State Fish and Game Preservation Fund.

SEC. 2. Section 340 of said code is amended to read:

Public shooting grounds

340. Except in accordance with the rules and regulations of the commission, it is unlawful to enter upon a game refuge or public shooting grounds established under the provisions of this chapter, or to take therein any bird or the nest or eggs thereof, or any mammal.

The taking of birds and mammals on public shooting grounds shall be regulated by the commission by order.

Prior to the making of such an order the commission at an open meeting shall publicly announce the contents of the proposed order and fix a time and place at which a hearing on the proposed order shall be held. The time shall be not less than 35 days from the day of said meeting and the place shall be the county seat of the county in which the area to be affected by the order lies or, if such area lies in more than one county, the county seat of the county in which the greater portion of such area lies. Notice of the hearing shall be published at least once, and at least 30 days prior to the hearing in a newspaper of general circulation in the county in which the hearing is to be held, or if no such newspaper is published in said county then in such a newspaper in an adjoining county. The hearing shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director if requested so to do by the commission. Such employees of the department as may be necessary or are requested by any interested group of persons, shall be present at the hearing. After the hearing the commission may abandon the proposal or make a final order, with any modifications it deems appropriate or without modification.

CHAPTER 1611

An act to add Section 1755.3 to the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 1755.3 is added to the Welfare and Institutions Code, to read:

1755.3. Whenever any person under the jurisdiction of the Youth Authority is in need of medical, surgical, or dental care, the Youth Authority may, upon the recommendation of the attending physician, authorize the performance of such necessary medical, surgical, or dental service. Medical care, etc

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CHAPTER 1612

An act to add Sections 11007.5 and 11030.5 to the Government Code, relating to travel on state business.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.] In effect September 22, 1951

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

SECTION 1. Section 11007.5 is added to the Government Code, to read:

11007.5. Any state agency may insure its officers and employees against injury or death arising from aircraft accidents incurred while flying in state-owned or leased civil aircraft on state business subject to rules and regulations prescribed by the Board of Control. Accident insurance

SEC. 2. Section 11030.5 is added to said code, to read:

11030.5. Any state officer or officer or employee of any state agency may, when traveling on state business, fly in state-owned or leased civil aircraft as a passenger or as part of the crew. Authorized flying

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CHAPTER 1613

An act to add Chapter 6 to Part 1 of Division 3 of Title 2 of the Government Code, to amend Sections 12001, 12100, 12150, 12300, 12302, 12400, 13002, 14002, 15003, 15603, and 18650 of said code, to amend Section 21 of the Agricultural Code, to amend Sections 151, 6512, 7011, 10055, 18626.5 and 19433 of the Business and Professions Code, to amend Section 25301 of the Corporations Code, to amend Sections 141, 144.2, 20924, and 22003 of the Education Code, to amend Sections 213, 230, and 5201 of the Financial

Code, to amend Section 10 of the Fish and Game Code, to amend Section 1732.6 of the Harbors and Navigation Code, to amend Sections 107.5 and 13101 of the Health and Safety Code, to amend Section 12902 of the Insurance Code, to amend Sections 51, 70.5, 77.5, 80, 123, and 112 of the Labor Code, to amend Section 76 of the Military and Veterans Code, to amend Sections 5051 and 5076 of the Penal Code, to amend Section 501 of the Public Resources Code, to amend Section 304 of the Public Utilities Code, to amend Section 52 of the Streets and Highways Code, to amend Sections 105, 109 and 139.08 of the Vehicle Code, to amend Sections 130, 152, 1722 and 1723 of the Welfare and Institutions Code, to amend Sections 76 and 77 of the Unemployment Insurance Act, to amend Section 2 of an act entitled "An act to create the Franchise Tax Board, prescribing its powers, duties, jurisdictions, purposes, and functions and abolishing the Office of Franchise Tax Commissioner," approved July 25, 1949, relating to the salaries of state officers.

Stats 1935, p 1226 amended
Stats 1949, p 2108, amended

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 19, 1951.]

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

SECTION 1. Chapter 6 is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 6. STATUTORY SALARY EQUALIZATION PLAN

Article 1. Salaries of Specified Positions

Salaries

11550. An annual salary of seventeen thousand five hundred dollars ($17,500) shall be paid to each of the following:

(a) Director of Finance.

Same

11551. An annual salary of sixteen thousand dollars ($16,000) shall be paid to each of the following:

(a) Director of Public Works.

(b) Director of Mental Hygiene.

(c) State Controller.

Same

11552. An annual salary of fifteen thousand dollars ($15,000) shall be paid to each of the following:

(a) Superintendent of Public Instruction.

(b) Superintendent of Banks.

(c) Director of Public Health.

Same

11553. An annual salary of fourteen thousand five hundred dollars ($14,500) shall be paid to each of the following:

(a) Chief of the Division of Public Employment Offices and Benefit Payments.

Same

11554. An annual salary of fourteen thousand dollars ($14,000) shall be paid to each of the following:

(a) Each member of the California Unemployment Insurance Appeals Board.

(b) Secretary of State.
(c) Each member of the State Board of Equalization.
(d) State Treasurer.
(e) Insurance Commissioner.
(f) Lieutenant Governor.
(g) Each member of the Public Utilities Commission
(h) Executive Officer of the Franchise Tax Board.
(i) Director of Corrections.
(j) Director of Agriculture.

11555. An annual salary of thirteen thousand ($13,000) shall be paid to each of the following: Same

(a) Director of Social Welfare.
(b) Director of Motor Vehicles.
(c) Director of Natural Resources.
(d) Director of Youth Authority.
(e) Chief of the Division of Accounts and Tax Collections.
(f) Director of the Department of Fish and Game.

11556. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following: Same

(a) Commissioner of the California Highway Patrol.
(b) Each member of the Adult Authority.
(c) Each member of the Youth Authority.
(d) Director of Professional and Vocational Standards.
(e) Director of Industrial Relations.
(f) Port Manager of the Board of State Harbor Commissioners for San Francisco Harbor.
(g) Commissioner of Corporations.
(h) Real Estate Commissioner.
(i) Director of Veterans Affairs.
(j) Building and Loan Commissioner.

11557. An annual salary of eleven thousand dollars ($11,000) shall be paid to each of the following: Same

(a) State Fire Marshal
(b) Each member of the Industrial Accident Commission.
(c) Labor Commissioner.

11558. An annual salary of ten thousand dollars ($10,000) shall be paid to each of the following: Same

(a) Chief of the Division of Industrial Safety.
(b) State Librarian.
(c) Chief of the Division of Industrial Welfare.
(d) Secretary of the State Athletic Commission.
(e) Secretary of the California Horse Racing Board.
(f) Deputy State Treasurer.
(g) Chief of the Division of Housing.
(h) Registrar of Contractors.

11559. An annual salary of five thousand four hundred dollars ($5,400) shall be paid to the following: Same

(a) Each of the members of the State Board of Barber Examiners.

11560. An annual salary of four thousand eight hundred dollars ($4,800) shall be paid to the following: Same

(a) Each of the members of the State Personnel Board.

Article 2. Application of Salary Provisions

Application

11565. If the salary specified in Article 1 of this chapter for any particular position is greater than the salary which the incumbent is receiving on the date when this chapter takes effect, he shall receive the higher amount from and after the first day of the month immediately following such effective date.

Same

11566. If the salary specified in Article 1 of this chapter for any particular position is less than the salary which the incumbent is receiving on the date when this chapter takes effect, he shall continue to receive the higher amount and the provisions of Article 1 shall not become operative until a new appointment is made for the position.

Operative date

11567. If any constitutional provision prevents an increase in the salary during the term of office of a position for which an increase is provided by this chapter, such increase shall become operative with the commencement of the next succeeding term of office of such position.

Subsequent legislation

11568. The provisions of this chapter shall not be superseded or modified by any subsequent legislation except to the extent that such legislation shall do so expressly.

SEC. 2. Section 12001 of the Government Code is amended to read:

Governor's office personnel

12001. The Governor may appoint and fix the salaries of such secretaries and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed twelve thousand dollars ($12,000) annually.

SEC. 3. Section 12100 of the Government Code is amended to read:

Lieutenant Governor

12100. The annual salary of the Lieutenant Governor is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 12150 of the Government Code is amended to read:

Secretary of State

12150. The annual salary of the Secretary of State is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5. Section 12300 of the Government Code is amended to read:

State Treasurer

12300. The annual salary of the State Treasurer is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 6. Section 12302 of the Government Code is amended to read:

Deputy Treasurer, etc

12302. The Treasurer may appoint one Deputy Treasurer at the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. He may also appoint and fix the salaries, subject to the provisions of the State Civil Service Act, of such officers and employees as may be necessary to carry out the duties of his office. The Treasurer may appoint as civil executive officers: one cashier, one bond officer,

one deposit officer, one vault officer, one principal accountant, one bookkeeper, and one secretary-stenographer.

SEC. 7. Section 12400 of the Government Code is amended to read:

12400. The annual salary of the Controller is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Controller

SEC. 8. Section 13002 of the Government Code is amended to read:

13002. The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Director of Finance

SEC. 9. Section 14002 of the Government Code is amended to read:

14002. The director is appointed by and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Director of Public Works

SEC. 10. Section 15003 of the Government Code is amended to read:

15003. There is hereby created the office of deputy director of the department. The deputy director shall be appointed and his compensation shall be fixed by the Attorney General at not to exceed twelve thousand dollars ($12,000) per year. The deputy director shall be a civil executive officer and shall be exempt from civil service. Deputy director

SEC. 11. Section 15603 of the Government Code is amended to read:

15603. The annual salary of each member of the State Board of Equalization representing one of the equalization districts of the State is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. He shall devote his entire time to the services of the State in performing the duties imposed upon the board and its members by the Constitution and Statutes of this State. Board of Equalization

SEC. 12. Section 18650 of the Government Code is amended to read:

18650. The annual salary of each member of the board is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Each member shall also receive his actual and necessary traveling expenses incurred in the course of his duties. Personnel Board members

SEC. 13. Section 21 of the Agricultural Code is amended to read:

21 The department shall be conducted by an executive officer known as the Director of Agriculture. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Before entering upon the duties of his office, the director Director of Agriculture

shall execute an official bond in the sum of twenty-five thousand dollars ($25,000).

SEC. 14. Section 151 of the Business and Professions Code is amended to read:

Director of Professional and Vocational Standards

151. The director is appointed by the Governor and holds office at the Governor's pleasure. He shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and his necessary traveling expenses. He shall execute and furnish to the State of California an official bond in the sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties.

SEC. 15. Section 6512 of the Business and Professions Code is amended to read:

Board members

6512. Each member of the board shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and shall be reimbursed for his necessary traveling expenses incurred in the discharge of his duty. These salaries and expenses shall be paid only from the fund created by fees collected in the administration of this chapter.

SEC. 16. Section 7011 of the Business and Professions Code is amended to read:

Registrar of Contractors

7011. The board by and with the approval of the director shall appoint a Registrar of Contractors. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

The registrar shall be the executive secretary of the board and shall carry out all of the administrative duties as provided in this chapter and as delegated to him by the board.

For the purpose of administration of this chapter, there may be appointed a deputy registrar, a chief reviewing and hearing officer and such other assistants and subordinates as may be necessary.

Appointments shall be made in accordance with the provisions of civil service laws.

SEC. 17. Section 10055 of the Business and Professions Code is amended to read:

Board members, compensation

10055. Each member of the board, except the commissioner, shall serve without compensation.

The commissioner shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, to be paid monthly out of the State Treasury upon a warrant of the Controller.

Each member shall be allowed his actual and necessary traveling expenses in the discharge of his duties.

SEC. 18. Section 18626.5 of the Business and Professions Code is amended to read:

State Athletic Commission, secretary

18626.5. The secretary to the State Athletic Commission shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 19. Section 19433 of the Business and Professions Code is amended to read:

19433. The board shall appoint a secretary who shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Secretary

SEC. 20. Section 25301 of the Corporations Code is amended to read:

25301. The Commissioner of Corporations shall be appointed by the Governor and shall hold office at the pleasure of the Governor. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Commissioner of Corporations

SEC. 21. Section 141 of the Education Code is amended to read:

141. The annual salary of the Superintendent of Public Instruction is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. He shall execute an official bond in the sum of ten thousand dollars ($10,000). Superintendent of Public Instruction

SEC. 22. Section 144.2 of the Education Code is amended to read:

144.2. The annual salaries of the Deputy Superintendent of Public Instruction and of the associate superintendents of public instruction appointed by the State Board of Education under Section 2.1 of Article IX of the Constitution of this State shall be fixed by the Superintendent of Public Instruction with the approval of the Director of Finance. Deputy superintendent

SEC. 23. Section 20924 of the Education Code is amended to read:

20924. There is hereby created at the California School for the Blind the position of field worker to be appointed by the principal of the school with the approval of the Superintendent of Public Instruction and the State Director of Education. The field worker shall be a member of the teaching staff of the California School for the Blind and shall receive a salary fixed and payable in accordance with law. Field worker, California School for the Blind

The field worker shall visit graduates and former pupils of the school in their homes to advise them regarding the extension and continuance of their education, to assist them in securing remunerative employment, to improve their economic condition in all possible ways, and to provide them with preparatory instruction found necessary for a selected occupation. The field worker shall be a person who has had special training for such work. Blindness shall not be grounds to disqualify a person for this position.

SEC. 24 Section 22003 of the Education Code is amended to read:

22003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor. He shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and before entering upon the duties of his office shall execute an official bond to the State in the penal sum of three thousand dollars ($3,000). State Librarian

NOTE: The sections of the Financial Code affected by this chapter appear in their proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code

SEC. 28. Section 10 of the Fish and Game Code is amended to read:

Director of Fish and Game Department

10. There is in the State Government a Department of Fish and Game, which department shall be administered through a director. The director shall be guided by policies adopted by the Fish and Game Commission provided for by Section 25½ of Article IV of the Constitution of this State. The director shall be appointed by the Governor. The annual salary of the director is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 29. Section 1732 6 of the Harbors and Navigation Code is amended to read:

Port manager

1732.6. The annual salary of the port manager is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. As such port manager his position is confidential to the board within the meaning of paragraph (5), subdivision (a), Section 4 of Article XXIV of the Constitution and he is therefore exempt from civil service laws. Before entering upon the duties of his office, he shall give an official bond in the sum of fifty thousand dollars ($50,000), and shall take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the Office of the Secretary of State.

SEC. 30. Section 107.5 of the Health and Safety Code is amended to read:

Director of Public Health

107.5. The director shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of his successor. The term of the director in office when this section takes effect shall expire January 1, 1944. The Governor may remove the director for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. A vacancy shall be filled by appointment for the unexpired term. The director shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and necessary expenses incurred in the performance of his duties

SEC. 31. Section 13101 of the Health and Safety Code is amended to read:

State Fire Marshal

13101. The State Fire Marshal shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. In order to be eligible for appointment, he shall have had not less than eight years experience in a regularly organized fire department in this State. He shall be paid the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 32. Section 12902 of the Insurance Code is amended to read:

12902. The annual salary of the commissioner is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Insurance Commissioner

SEC. 33. Section 51 of the Labor Code is amended to read:

51. The department shall be conducted under the control of an executive officer known as Director of Industrial Relations. The Director of Industrial Relations shall be appointed by the Governor with the advice and consent of the Senate and hold office at the pleasure of the Governor and shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Director of Industrial Relations

SEC. 34. Section 70.5 of said code is amended to read:

70.5. The annual salary of the Chief of the Division of Industrial Welfare is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Chief of Division of Industrial Welfare

SEC. 35. Section 77.5 of said code is amended to read:

77.5 The annual salary of the Chief of the Division of Housing is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Chief of Division of Housing

SEC. 36. Section 80 of said code is amended to read:

80. The annual salary of the Labor Commissioner is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Labor Commissioner

SEC. 37. Section 112 of said code is amended to read:

112. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate. The term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of the members of the commission in office at the time this amendment takes effect shall expire on January 15th of that year which for the particular member has heretofore been determined. The term of one of the four members added to the commission by this amendment shall expire on January 15, 1946, the term of one on January 15, 1947, the term of one on January 15, 1948, and the term of one on January 15, 1949 Vacancies shall be filled by appointment for the unexpired terms Each member shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Commission members

SEC. 38. Section 76 of the Military and Veterans Code is amended to read:

76. The annual salary of the director is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Director of Veterans Affairs

SEC. 39. Section 5051 of the Penal Code is amended to read:

5051. The director shall be appointed by the Governor with the advice and consent of the Senate. He shall hold office at the pleasure of the Governor, but before the director may be removed, charges against him, which charges may be preferred by any person, shall be heard by the Board of Correc- Director of Corrections

tions. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the Governor. The Governor may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the director. If the Governor removes the director his action shall be final. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and shall devote his entire time to the duties of his office.

SEC. 40. Section 5076 of said code is amended to read:

Adult Authority members

5076. Each member of the Adult Authority shall devote his entire time to the duties of his office and shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 41. Section 501 of the Public Resources Code is amended to read:

Director of Natural Resources

501. There is in the State Government a Department of Natural Resources. The department shall be conducted under the control of an executive officer known as Director of Natural Resources. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE. The section of the Public Utilities Code affected by this chapter appears in its proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code

SEC. 43. Section 52 of the Streets and Highways Code is amended to read:

State Highway Engineer

52. The State Highway Engineer shall give a bond in the sum of twenty thousand dollars ($20,000) for the faithful performance of the duties of his office, which bond shall be filed as provided by law. Subject to the approval of the director, the State Highway Engineer may from time to time perform services as consulting engineer for any of the governmental units referred to in Section 131 of this code, and may receive compensation for such services as provided in such section.

SEC. 44. Section 105 of the Vehicle Code is amended to read:

Director of Motor Vehicles

105. The department shall be under the control of a civil executive officer to be known as the Director of Motor Vehicles, which office is hereby created. The director shall be appointed by, and hold office at the pleasure of, the Governor. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and shall be allowed his actual and necessary traveling expenses incurred in the performance of the duties of his office. The director shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000).

SEC. 45. Section 109 of said code is amended to read:

Registrar of Vehicles

109. The Division of Registration shall be under the control of a civil executive officer to be known as the Registrar of Vehicles, which office is hereby created. The Registrar of

Vehicles shall be appointed by the director subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. The Registrar of Vehicles shall execute and deliver, as provided by law, an official bond in the sum of twenty-five thousand dollars ($25,000).

SEC. 46. Section 139.08 of said code is amended to read:

Commissioner of the California Highway Patrol

139.08. The annual salary of the commissioner is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 47. Section 130 of the Welfare and Institutions Code is amended to read:

Director of Social Welfare

130. Notwithstanding any of the provisions of this code, the Director of Social Welfare shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 48. Section 152 of the Welfare and Institutions Code is amended to read:

Director of Mental Hygiene

152. The director shall be appointed by and hold office at the pleasure of the Governor. The director shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. 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), conditioned upon the faithful performance of his duties.

SEC. 49. Section 1722 of said code is amended to read:

Youth Authority members

1722. The members of the authority shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code and their actual necessary traveling expenses to the same extent as is provided for other state officers.

SEC. 50. Section 1723 of said code is amended to read:

Youth Authority director

1723. The Governor shall designate one of the members of the authority as director of the Youth Authority, and the director shall be chairman of the authority. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code in lieu of the salary received by members of the authority. He shall continue to serve as such during his term of office and until the appointment and qualification of his successor. No member shall be ineligible to serve as director and chairman by reason of any previous service as director and chairman. As used in this chapter, "director" means the person designated director of the Youth Authority pursuant to this section.

SEC. 51. Section 76 of the Unemployment Insurance Act is amended to read:

Division chiefs

Sec. 76. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One of such divisions shall be designated Division of Public Employment Offices and Benefit Payments, and one shall be designated the Division of Accounts and Tax Collections. Each

of these two divisions shall be under a chief who shall be appointed by the Governor, subject to the approval of the Senate, and who shall serve at the pleasure of the Governor. The chief of each of these two divisions shall devote his full time to the performance of his duties as such chief of a division and shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. There shall be such other divisions as the commission may determine that the exigencies and nature of the work of the department require.

SEC. 52. Section 77 of the Unemployment Insurance Act is amended to read:

Unemployment Insurance Appeals Board members

Sec. 77. The California Unemployment Insurance Appeals Board, to consist of three members to be appointed by the Governor, subject to the approval of the Senate, is hereby created in the Department of Employment. Each member of such board shall devote his full time to the performance of his duties in this act defined and shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 53. Section 2 of an act entitled "An act to create the Franchise Tax Board, prescribing its powers, duties, jurisdictions, purposes, and functions and abolishing the office of Franchise Tax Commissioner," approved July 25, 1949, is amended to read:

Franchise Tax Board executive officer

Sec. 2. The Franchise Tax Board, with the consent and approval of two-thirds of the Senate may appoint an executive officer who shall be a civil executive officer and shall perform such duties as are delegated to him by the board. Said civil executive officer may be removed by the board only with the consent of two-thirds of the Senate. The Legislature hereby requests the board to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5 of Section 4, Article XXIV of the Constitution. The annual salary of the executive officer is provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. The executive officer shall employ, in addition to existing employees of the Franchise Tax Commissioner, such other assistants and clerical and other employees as he deems necessary for the effective conduct of his work, and shall fix their compensation in accordance with law

SEC. 54. Section 123 of the Labor Code is amended to read:

Employees

123. The commission may employ necessary assistants, officers, experts, statisticians, actuaries, accountants, inspectors, referees and other employees to perform the duties and exercise the powers which are under the jurisdiction of the commission. The salaries of the referees shall be fixed by the State Personnel Board for a class of positions which perform judicial functions.

CHAPTER 1614

An act to amend Section 13607 of the Government Code, relating to distribution and sale of the State Blue Book.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 13607 of the Government Code is amended to read:

13607. The volumes shall be distributed as follows: to the Secretary and each Member of the Senate and to the Chief Clerk and each Member of the Assembly, 10 copies; to the Governor, 25 copies; to the Lieutenant Governor, 15 copies; to the Secretary of State, the Controller, the Attorney General and the Treasurer, each 10 copies; to the director of each state department, two copies; to the two United States Senators from California and the members of the California congressional delegation, each one copy; to the Chief Justice and Associate Justices, each one copy, to the Presiding Justices and Justices of the District Court of Appeals, each one copy; to the State Library, 50 copies

State Blue Book distribution

All other volumes shall be sold for such price as may be fixed by the department.

CHAPTER 1615

An act to amend Sections 26233, 26235, 26252, 26253, 26271(a), 26272, 26274, and 26288 of, and to add Sections 26211.5 and 26286.5 to, and to repeal Section 26271 of, the Health and Safety Code, relating to adulterating, misbranding, and advertising of drugs and devices.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

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

SECTION 1. Section 26209 of the Health and Safety Code is amended to read:

26209. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, and any other container, disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Advertisement"

SEC. 2. Section 26211.5 is added to said code, to read:

26211.5. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of the

"Prescription"

patient, name and quantity of drug or drugs prescribed, directions for use and the date of issue.

SEC. 3. Section 26233 of said code is amended to read:

Adulteration

26233. A drug shall be deemed to be adulterated if its strength differs or its purity falls below the professed standard or quality under which it is sold.

SEC. 4. Section 26235 of said code is amended to read:

Same

26235. A drug shall be deemed to be adulterated (1) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; (2) if it bears or contains, for purposes of coloring only a coal-tar color other than one from a batch certified by the Federal Security Agency Food and Drug Administration; (3) if it is not subject to the provisions of Section 26230 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess; or (4) if any substance has been (a) mixed or packed therewith so as to reduce its quality or strength; or (b) substituted wholly or in part therefor.

Repeal

SEC 5. Section 26251 of said code is repealed.

SEC. 6. Section 26252 of said code is amended to read:

Exceptions

26252. A drug sold on a prescription of a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this article if:

(1) Such member of the medical, dental or veterinary profession is licensed by law to administer such drug, and

(2) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, the name of the person for whom such drug is prescribed, the name of such member of the medical, dental or veterinary profession, and bears directions for use as prescribed by such member of the medical, dental or veterinary profession.

SEC. 7. Section 26253 of said code is amended to read:

Mislabeled misbranded drugs

26253. A drug shall be deemed mislabeled or misbranded:

(1) If it be an imitation of or offered for sale under the name of another article;

(2) If the contents of the package as originally put up have been removed, in whole or in part, and other contents have been placed in such package.

Repeal

SEC. 8. Section 26271 of said code is repealed.

SEC. 9. Section 26271(a) of said code is renumbered and amended to read:

Venereal disease prescriptions

26271. No person shall compound for, give, or sell to any person any drugs, medicines, or other substances advertised, called for, labeled, or to be used for, the cure or treatment of gonorrhea, syphilis, chancroid, lymphogranuloma inguinale, or granuloma inguinale except upon prescription of a duly licensed physician. Such prescription shall not be transferable to any person except the patient whose name appears thereon, and shall be kept on file by the person or firm providing the drug, medicine,

or substance for two years during which it shall be open to inspection by any authorized agent of the State Department of Public Health. Prescriptions containing sulfanilamide, its compounds or derivatives, issued under this section, cannot be refilled without the order of the physician who prescribed same.

SEC. 10. Section 26272 of said code is amended to read:

Advertisements

26272. An advertisement not in violation of Section 26270 is not prohibited under Section 26286.5 if it is disseminated only to members of the medical, dental, pharmaceutical, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

SEC. 11. Section 26273 of said code is amended to read:

Self-medication

26273. Whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in Section 26286 5, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health.

SEC. 12. Section 26274 of said code is amended to read:

Same

26274. This chapter shall not be construed as indicating that self-medication for diseases other than those named is safe or efficacious.

SEC. 13. Section 26286.5 is added to said code, to read:

Unlawful advertising

26286.5. The advertisement of a drug or device represented to have any effect in any of the following diseases is unlawful and prohibited: albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infection, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

SEC. 14. Section 26288 of said code is amended to read:

New drugs

26288. The sale, offering for sale, holding for sale, delivering or giving away of any new drug is unlawful and prohibited unless (1) an application with respect thereto has become effective under Section 505 of the federal act, or (2) if the drug is not subject to the federal act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug there has been filed with the board an application setting forth:

(a) Full reports of investigations which have been made to show whether or not such drug is safe for use;

(b) A full list of the articles used as components of such drug;

(c) A full statement of the composition of such drug;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug;

(e) Such samples of such drug and of the articles used as components of the drug as the board may require; and

(f) Specimens of the labeling proposed to be used for such drug.

CHAPTER 1616

An act to add Section 674 5 to the Agricultural Code, relating to standards and labeling for milk and milk products containing other foods.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

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

SECTION 1. Section 674 5 is added to the Agricultural Code, to read:

Milk products containing other foods

674 5. In addition to the standards for milk and milk products adopted in accordance with or pursuant to this division, the director is hereby authorized, after hearing, to adopt separate standards and labeling requirements for any product consisting of milk or milk products containing an added food product of a kind not derived from milk and for which combination of such food product with milk or milk products no standard has been established or otherwise provided for in this division.

The provisions of this section shall be in effect until the ninety-first day after adjournment of the 1953 Legislature.

CHAPTER 1617

An act to create a flood control district to be called Contra Costa County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of watercourses, watersheds, harbors, public highways, life and property from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance and sale of bonds, and the levying and collection of taxes and assessments on property within said district

and in the respective zones thereof; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district; to define the powers of said district and its officers.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

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

SECTION 1. This act shall be known and may be cited as the Contra Costa County Flood Control and Water Conservation District Act. Short title

SEC. 2. A flood control district is hereby created to be called the Contra Costa County Flood Control and Water Conservation District. Said district shall consist of all the territory of the County of Contra Costa lying within the exterior boundaries of said county. As used in this act "district" means the Contra Costa County Flood Control and Water Conservation District. "District"

SEC. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. Such zones shall, as far as practicable, include complete watersheds. Zone establishment

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be taken and had in the manner prescribed in Section 11 of this act; provided, that before acquiring authority to proceed with the establishment of any zone the exterior boundaries of which will include any land lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall first obtain the concurrence of such city to conduct such proceedings, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the city council of such city, or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in said zone voting at any regular or special election on said proposition; said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge.

SEC. 4. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining Objectives

and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

Powers of district

SEC. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

Succession

1. To have perpetual succession.

Suits

2. To sue and be sued in the name of said district.

Seal

3. To adopt a seal.

Property

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

Water conservation

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or

damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

Flood control

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

Cooperation

7. To cooperate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

Investigations

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and with-

out said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

Entrance on land

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipe lines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

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

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

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

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law. Eminent domain

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

that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

"Board" SEC. 6. The Board of Supervisors of Contra Costa County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District.

Each member of the board of supervisors of the district shall receive as compensation for his services twenty-four dollars ($24) per month and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district in addition to his salary as county supervisor.

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

Commission SEC. 6.1. The board shall appoint a commission consisting of nine (9) members, six (6) of whom shall be freeholders of the unincorporated territory of the County of Contra Costa. The board may delegate any or all of its powers to the commission The board may by ordinance provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve at the pleasure of the board.

Ex officio officers, etc SEC. 7 The district attorney, county surveyor, county assessor, county tax collector, county clerk, county auditor, purchasing agent and county treasurer of the County of Contra Costa, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Contra Costa County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks

and employees, respectively, of the district, and shall respectively perform, unless otherwise provided by the board, the same various duties for the district as for said Contra Costa County, in order to carry out the provisions of this act.

All such officers, deputies, clerks and employees shall receive their actual necessary expenses in the performance of official duties under this act payable from the funds of the district.

Rules, regulations

SEC. 8 The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and in addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Contra Costa; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the board without reference to any classified civil service list.

The Civil Service Commission of the County of Contra Costa and the civil service department of said county shall be ex officio the civil service commission and ex officio the civil service department of the district and said commission and the members of said department shall perform all of the duties herein prescribed without additional compensation except that the district shall pay for any necessary additional expenses incurred by reason of the performance of said additional duties for the district.

Planning, etc

SEC. 9. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and carefully devise a plan or plans to control the flood and storm waters of the district, and the zones thereof, and the flood and storm waters of streams that have their sources outside of said district but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without the district, or to save or conserve in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses, harbors, and watersheds of streams flowing into the district, from damage relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act; and such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which shall show:

1. A general description of the work proposed to be done, together with general plans, profiles, cross-sections, and general

specifications relating thereto, on each project or work of improvement.

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

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

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

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

Project determination

SEC. 10. The board shall determine which projects or works of improvement shall be carried out and shall determine, as to each project or work of improvement, that it is either:

1. For the common benefit of the district as a whole; or

2. For the benefit of two or more zones hereinafter referred to as participating zones; or

3. For the benefit of a single zone.

Inter zone projects

SEC. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such

zone or in each of said participating zones. Said notice must designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person, said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued; the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Contra Costa next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name

of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 12. The board shall have power, in any year:

Taxation, assessments

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed one cent ($0.01) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones. It is declared that for the purpose of any tax or assessment levied under this subdivision, all property within a given zone is equally benefited.

3. To levy taxes or assessments upon all property in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Bonds

SEC. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Contra Costa County within five (5) days after its issuance. From and after said filing of said copy of said resolu-

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

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

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part or installment of such indebtedness shall be paid each and every year, and which shall not in any one year be less than one-fortieth ($\frac{1}{40}$) of the whole amount of the principal and interest of such indebtedness, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

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

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

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

Same: Form

SEC. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five percentum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures

or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Same Sale

SEC. 15. The board may issue and sell the bonds of any such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Contra Costa to the credit of said district and the respective participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Contra Costa.

Same Payment

SEC. 16. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all property within said zone and all property in said zone shall be and remain liable to be taxed or assessed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone.

Yearly assessment

SEC. 17. The board shall levy a tax or assessment each year upon all property in the zone of issuance sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Contra Costa County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose The principal and interest on said bonds shall be paid by the county treasurer of said Contra Costa County in the manner provided by law for the payment of principal and interest on bonds of said county.

Incorporation of other provisions

SEC. 18. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation for county purposes

under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation and assessment for the purposes of this act.

Tax ceiling

SEC. 18.5. The total amount of taxes and assessments levied on property within any zone shall not exceed twenty cents ($0 20) on each one hundred dollars ($100) of the assessed values of property within the zone.

Taxation for 1951-52 Fiscal Year

SEC. 19. Notwithstanding Title 5, Division 2, Part 1, Chapter 8, of the Government Code, the Contra Costa County Flood Control and Water Conservation District is validly created for the purposes of assessment and taxation. The creation of any zone in the district shall not be effective for purposes of assessment or taxation for the Fiscal Year 1951-1952 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Title 5, Division 2, Part 1, Chapter 8, of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the district.

For the Fiscal Year 1951-1952, but for no other fiscal year, notwithstanding Section 18 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of the district for the Fiscal Year 1951-1952 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1951-1952 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1951, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1951-1952, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district

In equalizing the assessments made by the county assessor, the Board of Supervisors of Contra Costa County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of

this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

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

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1951-1952. Except as provided in this section, Section 18 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1951-1952.

Exemption

SEC. 19.1. A zone formed or proposed to be formed under this act, or the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.

Stats 1951, Ch 331

Bonds as investments

SEC. 20. The bonds of the district issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

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

Tax exemption

SEC. 21. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this State.

Contracts

SEC. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed two thousand dollars ($2,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such

contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Improvements

SEC. 23. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, subsequent to the date of filing the report, plans, specifications and map theretofore adopted, in which event the board of supervisors may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Additional bonds

SEC. 24. Whenever bonds have been authorized by any zone or participating zone of said district and said bonds have been issued as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Elections for incurring indebtedness

SEC. 25. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

Refunding bonds

SEC. 25.5. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 17, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 20.

Repeal, etc., of act. Effect

SEC. 26. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

Withdrawal of city areas

SEC. 27. Notwithstanding any provisions of this act to the contrary, the withdrawal of all the area lying within the exterior boundaries of any chartered or incorporated city from the district may be effected by the vote of a majority of the qualified electors of said city voting at any regular or special election on the proposition to withdraw the area lying within such city from the district. Said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge. The city council shall cause the results of the election to be certified to the board of supervisors of the district and if a majority of the votes cast on the proposition to withdraw such area from the district are in favor thereof, thereupon the area lying within the exterior boundaries of such city shall no longer be a part of the district; provided, however, that the withdrawal of the area lying within the exterior boundaries of such city from the district shall not release the area so withdrawn from debts and obligations for or upon which it was liable or chargeable at the time such withdrawal was made.

Rights of way

SEC. 28. There is hereby granted to the district the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of *or in use, not in any case exceeding in length or width* that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission,

the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Condemnation

SEC. 29. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.

Claims against district

SEC. 30. Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation must be made in writing and filed with the board within six months after the cause of action arises. Claims shall be presented in the general form and manner prescribed by general law relating to the making and filing of claims against counties. Such claims may be amended within said six months to correct defects in form or statement of facts. No action against the district shall be commenced or maintained unless such claim relating thereto has been filed as hereinabove prescribed and action thereon commenced within one year after the cause of action arose.

Title of acquired property

SEC. 31. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board may determine, by resolution duly entered in their minutes that any

property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties.

Proceeding to determine legality of existence

SEC. 32. The district formed under this act in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this State, in and for the County of Contra Costa, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

Employees bonds

SEC. 33. The board may require any officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the board. When deemed expedient by the board, a master bond may be used which shall provide coverage on more than one officer, employee or agent of the district who is required by the district to give bond. Such bond shall be in the form and for the term which is approved by the board. The premium for such bond shall be paid by the district.

Bond sale proceeds

SEC. 34. Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds, notes, or certificates of indebtedness, or in other legal investments, pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as same become due.

Construction

SEC. 35. This act, and every part thereof, shall be liberally construed to promote the object thereof, and to carry out its intents and purposes

Severability clause

SEC. 36 If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 1618

An act to amend Section 9550 of the Business and Professions Code, relating to certificates of registration issued by the State Board of Dry Cleaners.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

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

SECTION 1. Section 9550 of the Business and Professions Code is amended to read:

Operation of cleaning establishments, etc

9550. No person shall conduct, maintain or operate a clothes cleaning establishment, a dyeing plant, a cleaning and dyeing shop or store, a spotting, sponging or pressing establishment, a hat renovating establishment, a fur renovating establishment, or a school or college of cleaning, spotting or pressing unless there is an operator, having a valid registration certificate in charge of such establishment at all times when any of the processes of cleaning, dyeing, renovating, spotting or pressing is being done. This section shall not be construed to prevent the temporary absence of a registered operator from the premises for any reasonable cause.

CHAPTER 1619

Stats. 1923, p. 695, amended

An act to amend Section 8 of the Dangerous Weapons Control Law, relating to the issuance of licenses to carry concealed pistols, revolvers and other firearms, and providing for the imposition of a fee upon application for the issuance of such licenses.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 8 of the Dangerous Weapons Control Law is amended to read:

Firearm permits

Sec. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this State, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver, or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any

license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. The fingerprints of each applicant must be taken and two copies thereof on standardization 8-inch x 8-inch cards shall be forwarded to the State Bureau of Criminal Identification and Investigation. Upon receipt of any such fingerprint cards, it shall be the duty of the bureau promptly to furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office. No license shall be issued by any licensing authority until after receipt of such report from the bureau. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General. Copies of each license issued shall be filed immediately by the issuing officer or authority with the State Bureau of Criminal Identification and Investigation

Each applicant for a license shall pay a fee of one dollar ($1) at the time of filing his application. The officer receiving the application and the fee shall transmit the fee with the fingerprint cards to the State Bureau of Criminal Identification and Investigation. All money so received by the bureau shall promptly be deposited in the State Treasury and credited to the General Fund.

CHAPTER 1620

An act to amend Sections 12202 and 12203 of, and to add Section 8052 to, the Education Code, relating to practice teaching for students enrolled in teacher training curricula of teacher education institutions.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 8052 is added to the Education Code, to read:

8052. The governing board of any school district may enter into agreements with a state college, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching to students enrolled in teacher training curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered or such agreement may provide for the rendering of services to the school district of a value not to exceed the actual cost

Practice teaching

to the school district of the services rendered by the district. The Director of Education and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district as to any state college, and the University of California, respectively.

All funds received by the governing board of a school district under this section shall be paid by it into the county treasury to the credit of the general fund of the district.

SEC. 2. Section 12202 of said code is amended to read:

Preliminary certificate

12202. A preliminary certificate shall be issued to the holder of a recommendation from a state college, the University of California, or any private university or college accredited by the State Board of Education to train teachers and authorizes the holder to do practice teaching without salary under the direct supervision of a certificated employee of a school district.

SEC. 3. Section 12203 of said code is amended to read:

Type of teaching

12203. Practice teaching shall be of the same kind in the same grades, classes, or types of schools as specified in the recommendation.

CHAPTER 1621

An act to amend Section 672 of the Vehicle Code, relating to escort of vehicles by police and traffic officers.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 672 of the Vehicle Code is amended to read:

Speed of escorts

672. Sirens and Illegal Speed of Escorts. Every police and traffic officer is hereby expressly prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle or vehicles on a highway, except when escort or conveyance is furnished for the preservation of life or when expediting movements of supplies and personnel for the armed forces during a national emergency.

CHAPTER 1622

An act to amend Section 736 13 of the Agricultural Code, relating to wholesale and retail prices for fluid milk and fluid cream and products thereof.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 736 13 of the Agricultural Code is amended to read:

Milk product prices

736.13. No distributor shall sell to any retail store, restaurant, confectionery or other place for consumption on the prem-

ises, or to any consumer, and no retail store, restaurant, confectionery or other place for consumption on the premises, shall purchase from any distributor or sell to any consumer, any fluid milk or fluid cream, or either of them, at less than the prices as established by the director under the provisions of this article, and the use or attempted use of any method, device or transaction whereby any distributor sells or offers or agrees to sell to any retail store, restaurant, confectionery or other place for consumption on the premises, or consumer or any retail store, restaurant, confectionery or other place for consumption on the premises, buys or offers or agrees to buy from any distributor, or sells or offers or agrees to sell to any consumer fluid milk or fluid cream, or either, at a price less than that established by the director under the provisions of this article, whether by discount, rebate, free service, advertising allowance, lease of refrigeration or other equipment, or gift, or otherwise and whether any such discount, rebate, free service, advertising allowance, lease of refrigeration or other equipment, or gift applies directly to fluid milk or fluid cream or is allowed upon or in connection with the sale or handling of any other commodity or product, is hereby prohibited. Every distributor in any marketing area wherein an order establishing minimum wholesale and minimum retail prices is in effect shall file with the director schedules and any amendments thereto setting forth the prices at which each such distributor is selling or offering or agreeing to sell fluid milk, fluid cream and dairy products, excluding butter, cheese other than cottage cheese, canned milk, powdered milk, casein and ice cream, in such marketing area. Such filings shall be made in such office of the director as he shall designate. Such prices shall not become effective until the fifth day after filing. Evidence of any sale of, or offer or agreement to sell such fluid milk, fluid cream or dairy products by a distributor, made as part of, or in connection with the sale of, or offer or agreement to sell fluid milk and fluid cream, or both, in a marketing area where prices for fluid milk or fluid cream, or both have been established by the director, at less than the prices theretofore filed with the director by such distributor pursuant to the provisions of this section, shall constitute prima facie proof of a violation of this section. Offers and agreements to sell, as used herein, shall include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor making such offer. Upon receipt of such amendments the director shall forthwith date, file, and index the same in such manner that the information therein contained shall at all times be kept current and be readily available to any interested party desiring to inspect the same. Any other distributor in the marketing area may meet any such prices so filed; provided, that such distributor shall file with the director a schedule of prices not exceeding the prices so met by him within 24 hours after meeting the same.

CHAPTER 1623

An act to amend Section 4 of an act entitled "An act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906 (Chapter 59, Statutes of 1906 First Extraordinary Session), relating to the establishment and quieting of title to real property in case of the loss or destruction of public records.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Summons

Sec. 4. The summons shall be published in a newspaper of general circulation published in the county in which the action is brought. The newspaper in which such publication is to be made shall be designated by an order of the court or a judge thereof to be signed and filed with the clerk. No other order for the publication of the summons shall be necessary, nor shall any affidavit therefor be required, nor need any copy of the complaint be served, except as hereinafter required. The summons shall be published pursuant to Section 6065 of the Government Code, and to each publication thereof shall be appended a memorandum in substance as follows:

"The first publication of this summons was made in _____ (here insert name) newspaper on the _____ day of _____ A D. ____," (inserting the date).

And if the affidavit provided for in Section 5 of this act discloses the name of any person claiming an interest in the property, or a lien thereon adverse to the plaintiff, that fact, together with the name and address (if given) of said person shall be stated in a memorandum to be appended to the summons in substance as follows:

"The following persons are said to claim an interest in, or lien upon said property adverse to plaintiff," (giving their names and addresses as above provided). A copy of the summons, together with a copy of the foregoing memoranda, shall be posted in a conspicuous place on each separate parcel of the property described in the complaint within 15 days after the first publication of the summons.

CHAPTER 1624

Stats. 1945, p. 2478, amended

An act to amend Sections 2, 2.1, 5, 33, 45.7, and 68 of the Community Redevelopment Act, and to amend Sections 33003, 33047, 33048, 33480, 33481, 33482, 33738, 33739, and 33885

of, and to repeal Section 33740 of, the Health and Safety Code, relating to redevelopment.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Community Redevelopment Act is amended to read:

Sec. 5. "Redevelopment area" means an area of a community which is a blighted area the redevelopment of which is necessary to effectuate the public purposes declared in this act. A redevelopment area need not be restricted to, or consist entirely of, buildings, improvements, or lands which of themselves are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may therefore include lands, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part. "Redevelopment area"

SEC. 2. Section 33 of said act is amended to read:

Sec. 33. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission, or by resolution of the members of the agency. Designation of areas

The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area designated is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this act;

(b) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(c) A description of the boundaries of the area designated.

Any person, group, association or corporation may in writing request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof.

SEC. 3. Section 2 of said act is amended to read:

Sec. 2. It is hereby found and declared that there exist in many communities in this State blighted areas which constitute either social or economic liabilities, or both, requiring redevelopment in the interest of the health, safety and general welfare of the people of the communities in which they exist and of the people of this State generally. These blighted areas are characterized by one or more of the following conditions: Blighted areas

(a) The existence of buildings and structures, either used or intended to be used for living, commercial, industrial or other purposes, or any combination of such uses, which by reason of defective design and character of physical construction, faulty interior arrangement and exterior spacing, high density of population and overcrowding, inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities, age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses to which they are put, or any combination of such factors and characteristics, are unfit or unsafe to occupy for residential, commercial, industrial or other purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime.

(b) An economic dislocation, deterioration or disuse, as a result of faulty planning, the subdividing and the sale of lots of irregular form and shape and inadequate size for proper usefulness and development, the laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions, or the existence of inadequate streets, open spaces and utilities, or of lots or other areas which are subject to being submerged by water.

(c) A prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that there exists a reduced capacity to pay taxes and consequent inadequacy of tax receipts in relation to the cost of public services rendered.

(d) A growing and in some instances a total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare; and in other areas a loss of population and reduction of useful utilization of the area, resulting in the further deterioration thereof and in added costs to the taxpayer supporting governmental entities for the creation of new public facilities and services elsewhere.

It is further found and declared that the existence of blighted areas characterized by any or all of such conditions, separately or collectively, constitutes a serious and growing menace which is hereby condemned as injurious and inimical to the public health, safety and welfare of the people of the communities in which they exist and of the people of the State generally; that such areas present difficulties and handicaps which are beyond remedy and control solely by regulatory processes in the exercise of the police power; that they contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of juvenile delinquency, the preservation of the public health and safety and the maintaining of adequate police, fire and accident protection and other public services and facilities; that this menace is becoming increasingly direct and substantial in its significance and effect; that the benefits which

will result from the remedying of these conditions and the redevelopment of these areas of blight will accrue to all the inhabitants and property owners of the communities in which they exist.

It is further found and declared that such conditions of blight tend to further obsolescence, deterioration and disuse because of the lack of incentive to the individual landowner and his inability to improve, modernize or rehabilitate his own particular property while the condition of the neighboring properties remains unchanged; that as a consequence the process of deterioration of a blighted area frequently cannot be halted or corrected except by redeveloping the entire area, or substantial portions thereof; that such conditions of blight are chiefly found in areas which have been subdivided into small parcels, that in most instances the lands are held in divided and widely scattered ownerships, frequently under defective titles, that in many such instances the private assembly of the lands in blighted areas for purposes of redevelopment is so difficult and costly that it is uneconomic and as a practical matter impossible for individual owners independently or collectively to undertake to remedy such conditions because of lack of the legal power necessary for, and the excessive costs involved in, the private acquisition of the real property of the area; that the remedying of such conditions may require the public acquisition at fair prices of adequate areas, the clearance of the areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of the areas suffering from such conditions under proper supervision, with appropriate planning, and continuing land use and construction policies.

For these reasons it is hereby declared to be the policy of this State to protect and promote the sound development and redevelopment of blighted areas within this State and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all means appropriate for that purpose; that whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expand public funds for these purposes and to provide a means whereby the blighted areas within this State may be redeveloped or rehabilitated; that the redevelopment of such blighted areas and the provision for appropriate continuing land use and construction policies therein, constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of the health, safety and welfare of

the people of the State generally and particularly of the people of the communities of the State in which such areas exist; and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared to be a matter of legislative determination.

SEC. 4. Section 2.1 of said act is amended to read:

Same

Sec. 2.1. It is hereby found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and it is further found and declared that such areas may be characterized by one or more of the conditions enumerated in Section 2 of this act.

SEC. 5. Section 45.7 of said act is amended to read:

Property acquired with redevelopment money

Sec. 45.7. No property, real or personal, improved or unimproved, or any interest therein, acquired or constructed in whole or in part with moneys from the redevelopment revolving fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body. All moneys received by the agency from the sale, lease or encumbering of property acquired with moneys from the redevelopment revolving fund in excess of the money required to repay the loans and interest thereon authorized by this act shall be redeposited in the fund. All other provisions of this act that relate to financing shall be subject to the provisions of this section. Nothing contained in this section shall authorize a redevelopment agency to construct any buildings, but such redevelopment agency shall be subject to the limitations imposed by the provisions of Section 29 of this act. If any property acquired in whole or in part from the redevelopment revolving fund is to be sold or leased by the redevelopment agency, the sale or lease must first be approved by the legislative body. Such approval by the legislative body shall be by resolution adopted after public hearing. Notice of the time and place of such hearing shall be published once in the official newspaper of the community at least one week prior to such time. Such resolution shall be adopted by a majority vote unless the legislative body shall have provided by ordinance for a two-thirds vote for such purpose.

SEC. 6. Section 68 of said act is amended to read:

Displacement of occupants

Sec. 68. If the plan provides for the displacement, whether temporary or permanent, of any occupants of housing facilities in the project area, the legislative body shall not approve the plan, except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those obtaining in the community at the time of their displacement.

The legislative body shall further be satisfied that such permanent housing facilities shall, in any event, be made available within three years from the time such occupants will be

displaced; and that pending the development of such permanent housing facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those obtaining in the community at the time of their displacement.

SEC. 7. Section 33003 of the Health and Safety Code is amended to read:

33003. "Redevelopment area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part. "Redevelopment area"

SEC. 8. Section 33047 of said code is amended to read:

33047. For these reasons it is declared to be the policy of the State: State policy

(a) To protect and promote the sound development and redevelopment of blighted areas and the general welfare of the inhabitants of the communities in which they exist by remedying such injurious conditions through the employment of all appropriate means.

(b) That whenever the redevelopment of blighted areas cannot be accomplished by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

(c) That the redevelopment of blighted areas and the provision for appropriate continuing land use and construction policies in them constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of health, safety, and welfare of the people of the State and of the communities in which the areas exist.

(d) That the necessity in the public interest for the provisions of this part is declared to be a matter of legislative determination.

SEC. 9. Section 33048 of said code is amended to read:

33048. It is found and declared that blighted areas may include housing areas constructed as temporary government-owned wartime housing projects, and that such areas may be characterized by one or more of the conditions enumerated in Sections 33041 to 33044, inclusive. Blighted areas

SEC. 10. Section 33480 of said code is amended to read:

33480. Redevelopment areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of redevelopment areas by resolution of the planning commission or by resolution of the members of the agency. Designation of areas

SEC. 11. Section 33481 of said code is amended to read:

Same

33481. The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area designated is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this act;

(b) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(c) A description of the boundaries of the area designated.

SEC. 12. Section 33482 of said code is amended to read:

Request for designation

33482. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate redevelopment areas) to designate a redevelopment area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof.

SEC. 13. Section 33738 of said code is amended to read:

Displacement of occupants

33738. If the plan provides for the temporary or permanent displacement of any occupants of housing facilities in the project area, the legislative body shall not approve the plan except upon the finding that adequate permanent housing facilities are or will be made available in the community for such displaced occupants at rents comparable to those in the community at the time of their displacement.

SEC. 14. Section 33739 of said code is amended to read:

Same

33739. The legislative body shall also be satisfied that such permanent housing facilities will be made available within three years from the time such occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

SEC. 15. Section 33740 of said code is hereby repealed.

SEC. 16. Section 33885 of said code is amended to read:

Property acquired with redevelopment money

33885. No real or personal property, or any interest therein, acquired or constructed in whole or in part with money from the Redevelopment Revolving Fund shall be sold or leased for an amount less than its fair value for uses in accordance with the redevelopment plan as determined by resolution or ordinance of the legislative body.

SEC. 17. Sections 7 to 16, inclusive, of this act become operative only if Division 24 of the Health and Safety Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 24 takes effect, at which time Sections 2, 2.1, 5, 33, 45.7 and 68 of the Community Redevelopment Act are repealed.

Effect Stats 1951, Ch 710 Part of Stats 1945, p 2478, repealed

CHAPTER 1625

An act to amend Section 6219 of, and to add Section 6219.1 to, the Public Resources Code, relating to the index to land owned by the State.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 6219 of the Public Resources Code is amended to read:

State-owned land index

6219. In addition to the maps, plats, and records maintained by the commission of public lands owned by the State, the commission shall prepare and maintain an adequate index or record of deeds or other evidence of title to all lands owned or acquired by the State, by purchase, gift, condemnation, or otherwise except (a) lands deeded to the State due to tax delinquencies, (b) lands escheated to the State, and (c) lands or interests therein acquired by the Department of Public Works for highway purposes. Each entry shall, as to lands acquired after the effective date of this amendment, contain a description stating the area of the parcel in acres or square feet and the cost to the State of the parcel. Each state agency hereafter acquiring lands shall transmit to the commission the information necessary to make such entry.

SEC. 2. Section 6219.1 is added to said code, to read:

Maintenance of index

6219.1. In order to properly maintain the above mentioned index or record the commission, beginning January 1, 1952, and each five years thereafter, shall cause to be presented for verification, as of June 30th, to each officer, agency, or organization of the State Government having jurisdiction of proprietary lands a listing, as taken from the index or record if available, showing grantor, brief description, area in acres or square feet, acquisition date, date of deed, cost to the State, appraised valuation and use. It shall be the duty of each officer, organization, or agency of the State Government to return such listing to the State Lands Commission within 60 days of receipt noting errors, correcting omissions, and certifying its correctness. For the purposes of this chapter the Regents of the University of California shall be considered as an organization of the State Government.

CHAPTER 1626

An act to amend Section 19360 of the Government Code, relating to state employment, in respect to transfers.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 19360 of the Government Code is amended to read:

Transfer of employees

19360. An appointing power may at any time transfer any employee under his jurisdiction from one position to another in the same class or in another class having substantially similar duties, responsibilities, and qualifications, and substantially the same salary range and may transfer any employee from one location to another whether or not it involves a change in position.

CHAPTER 1627

An act to add Section 26470.5 to the Health and Safety Code, relating to public health.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 26470.5 is added to the Health and Safety Code, to read:

Fluorination of water

26470.5. Nothing in this article shall prohibit the adding of fluorine or fluorine compounds to water intended for sale to the public as bottled water for domestic use in such manner and to such an extent as may be approved by the state department; provided, that the labeling requirements hereinafter set forth in this chapter are met.

CHAPTER 1628

An act to add Section 604.13 to the Vehicle Code, relating to motor vehicles equipped with television.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 604.13 is added to the Vehicle Code, to read:

Television in motor vehicles

604.13. Television in Motor Vehicle. No person shall drive a motor vehicle which is equipped with a television receiver, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

CHAPTER 1629

Stats 1949, p 2240

An act to add Section 11.1 to the Alameda County Flood Control and Water Conservation District Act, relating to the procedure for instituting projects.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 20, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 11.1 is added to the Alameda County Flood Control and Water Conservation District Act, to read:

Sec. 11.1. The provisions of Section 11 of this act shall be exclusive in determining the proper procedure for the institution of projects under this act, any other provision of law notwithstanding. Procedure

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CHAPTER 1630

An act to add Section 2003 to the Government Code, relating to actions against employees of governmental agencies.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 2003 is added to the Government Code, to read:

2003. A cause of action against an employee of a district, county, city, or city and county for damages resulting from any negligence upon the part of such employee while acting within the course and scope of such employment shall be barred unless a written claim for such damages has been presented to the employing district, county, city, or city and county in the manner and within the period prescribed by law as a condition to maintaining an action therefor against such governmental entity. Claims against public employees

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CHAPTER 1631

An act to amend Sections 1155, 1156, 1157, and 12420 of the Government Code, relating to pay roll deductions for public employees.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1155 of the Government Code is amended to read:

1155. Public officers and employees, other than state officers and employees, may authorize wage and salary deductions for the purchase of shares in or the payment of money to any regularly chartered credit union. Auditors, treasurers and other disbursing officers of any public agency other than a state agency are authorized to recognize and act upon such wage or salary assignments. Deductions for credit unions

SEC. 2. Section 1156 of said code is amended to read:

1156 State officers and employees may authorize deductions to be made from their salaries or wages, in accordance State employees

with the rules and regulations of the State Controller, for the payment of:

(a) Premiums on any policy or certificate of group life, accident, health or disability insurance issued to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical service (including service rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, under any plan approved by the Director of Finance.

(c) Premiums on National Service Life Insurance or United States Government Converted Insurance.

SEC. 3. Section 1157 of said code is amended to read:

Nonstate public employees

1157. Officers and employees of a public agency, other than a state agency, may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of premiums on group life, accident, health, disability, or automobile liability insurance, or on any two or more, under a system of group insurance adopted and carried into effect by the governing body, or for the payment of premiums on National Service Life Insurance or United States Government Converted Insurance. Employees of such a public agency may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of dues of nonprofit membership corporations for defraying the cost of medical service (including services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic), or hospital care, or both, under system of medical service, or hospital care, or both, adopted and carried into effect by the governing body.

SEC. 4. Section 12420 of said code is amended to read:

Regulations

12420. The Controller shall make rules and regulations governing the deduction of such sums of money from the salary or wages of any state officer or employee, as may be requested of him in writing by the officer or employee, for:

(a) Paying premiums on any policy or certificate of group life, accident, health or disability insurance issued by an admitted insurer to the officer or employee insured under any plan of group insurance approved by the Director of Finance.

(b) Paying dues or charges of any nonprofit membership corporation organized under the laws of this State for the purpose of defraying the cost of medical services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic, hospital care, or both, to the officer or employee under any plan approved by the Director of Finance.

(c) Paying premiums on National Service Life Insurance or United States Government Converted Insurance.

CHAPTER 1632

An act to amend Sections 12897, 12898, 12899 and 12900 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

NOTE. The sections of the Public Utilities Code affected by this chapter appear in their proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1633

An act to repeal the Political Code of the State of California, relating to the organization, operation, and maintenance of a system of state and local government.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The Political Code of the State of California is hereby repealed.

Repeal

CHAPTER 1634

An act providing for research in reducing sea water to water suitable for domestic and agricultural uses in mass quantities and at low cost, and making an appropriation therefor.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of thirty thousand dollars ($30,000) to the Regents of the University of California to be expended during the 1951-52 Fiscal Year in providing for, and carrying on, research relating to the reduction of sea water to water suitable for domestic and agricultural uses in mass quantities and at low cost.

Appropriation

CHAPTER 1635

An act creating the Solvang Municipal Improvement District and prescribing its boundaries, change of boundaries, organization, operation, management, financing and powers, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

Article 1. General Provisions

Solvang Municipal Improvement District

SECTION 1. The Solvang Municipal Improvement District is hereby created to consist of the unincorporated territory in Santa Barbara County, bounded and described as follows, to wit:

Beginning in the County of Santa Barbara, State of California, at the northeasterly corner of Lot 30 as shown on the Map, Sheet 9, of the continuation of the 6 sheets of the Map of Survey made by F. F. Flournoy of part of Rancho San Carlos de Jonata, filed in Book 5 at page 86 of Maps and Surveys, in the office of the County Recorder of Santa Barbara County, said corner also being the southeasterly corner of Lot 31 as shown on the above-mentioned map; thence following the various courses of the common lot line of said Lots 30 and 31, North 74° 39′ West 314.60 feet to a point; thence North 63° 19′ West 431.00 feet to a point; thence South 89° 57′ West 288.50 feet to a point; thence South 67° 45′ West 339.60 feet to a point; thence South 42° 01′ West 204.00 feet to a point; thence, leaving the common Lot line of said Lots 30 and 31, North 56° 57′ West 829.90 feet to a point in the common Lot line between Lots 29 and 31, as shown on the above-mentioned map, distant along said common Lot line North 39° 29′ East 240.00 feet from the most westerly corner of said Lot 31; thence following the common Lot line of said Lots 29 and 31, North 39° 29′ East 146.50 feet to a point; thence North 65° 43′ East 274 50 feet to a point; thence North 60° 35′ East 264.90 feet to the southwesterly corner of the land described in the deed to Christian Nygaard recorded in Book 628 at page 118, of Official Records in the office of the County Recorder of said County; thence along the westerly line of the land so described in said deed and the northerly prolongation thereof North 5° 53′ West 1180.58 feet to the southeasterly corner of the land described in the deed to Hermann Burchardi, et ux., recorded in Book 448 at page 229, of Official Records in the office of the County Recorder of said County; thence along the southerly line of the land so described South 71° 50′ West 211.12 feet to the southwesterly corner of said land; thence along the westerly line of the land so described in said deed to Hermann Burchardi, et ux., North 5° 53′ West 211.12 feet to the northwesterly corner of said land in the center line of the County Road

known as and called the Lompoc-Santa Ynez Road; thence northwesterly in a direct line to an angle point in the center line of Adobe Canyon Road at the southerly end of that certain course in said center line shown on the map herein first above mentioned as having a bearing of North 49° 47′ East and a length of 493.40 feet; thence in a general northeasterly direction following the various courses of the center line of said Adobe Canyon Road, as said road and center line are shown on the above mentioned map to the intersection of said center line with the center line of that certain road or street known as and called Spring Street and sometimes called Chalk Hill Road, said intersection point being also a point in the westerly line of Lot 32 as shown on the above mentioned map; thence along the westerly line of said Lot 32 North 34° 09′ East 164 90 feet to the northwesterly corner of said Lot; thence along the northerly line of said Lot 32, South 74° 20′ East 171.10 feet to an angle point in said northerly line; thence continuing along said northerly line North 39° 41′ East 412.30 feet to an angle point in said northerly line, said angle point being the most northerly corner of the land described in Parcel Two in the deed to The Danish Evangelical Lutheran Church Bethania, recorded in Book 495 at page 222, of Official Records in the office of the County Recorder of said County; thence along the easterly line of the land so described in said Parcel Two, South 8° 53′ West 788.8 feet to the southeast corner of said land; thence southeasterly in a direct line to the northwest corner of the land described in the deed to Margrethe Madsen and Anna M. Sorensen, recorded in Book 493 at page 449, of Official Records in the office of the County Recorder of said County; thence along the north line of said land South 86° 15′ East 110.50 feet to the northeast corner of the land so described in said deed to Margrethe Madsen and Anna M. Sorensen, being also the northwest corner of the land described in the deed to Paulin Hvolboll and Sigrid Hvolboll, recorded in Book 659 at page 332, of Official Records in the office of the County Recorder of said County; thence South 86° 14′ East 114 feet along the North line of the land so described in the last above-mentioned deed to the northeast corner of said land, being a point in the northerly prolongation of the westerly line of Lot 7, of Town View Tract, as per map recorded in Book 15 at page 245, of Maps and Surveys in the office of the County Recorder of said County; thence northerly along said prolongation to the north line of Eucalyptus Drive, as shown on said map last above-mentioned; thence easterly along said northerly line of Eucalyptus Drive to the easterly line of the Rancho San Carlos de Jonata; thence southerly along said line to the westerly prolongation of the north line of "Part of the NE. ¼ of the SW. ¼ and Part of the NW. ¼ of the SE. ¼, Section 15, Township 6 North, Range 21 West, S.B.M.", commonly called and known as Rasmussen Tract, according to map filed in Book 6 at page 57 of Maps and Surveys in the office of the County

Recorder of said County; thence easterly along said prolongation to and along the northerly line of said Rasmussen Tract to the northeast corner of the land described in Parcel No. 1 in the deed to Soren H. Sorensen and Anna M. Sorensen recorded in Book 593 at page 57, of Official Records in the office of the County Recorder of said County; thence southerly along the east line of the land so described in said Parcel No. 1 to the Southeast corner of said parcel of land, being a point in the northeasterly line of the land described in Parcel Two in the deed to Carl H. Rasmussen and Thorvald Rasmussen, recorded in Book 547 at page 332, of Official Records in the office of the County Recorder of said County; thence southeasterly along said northeasterly line to the center line of the County Road known as and called Lompoc-Santa Ynez County Road; thence southwesterly following the various courses of the center line of said County Road to the southeast corner of Lot 19 of said Rasmussen Tract; thence southwesterly in a direct line to the southeast corner of Lot 2, Section 22, Township 6 North, Range 31 West, S. B. B. & M.; thence west along the south line of said Lot 2 to the southwest corner of said Lot; thence northerly in a direct line to the point of beginning.

Short title

SEC. 2. This act shall be known and may be cited as "Solvang Municipal Improvement District Act."

Severability clause

SEC. 3. 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 of such provision to other persons or circumstances, shall not be affected thereby.

Article 2. Definitions

Construction

SEC. 10. The terms defined in this article have the meanings set forth unless the context requires a different meaning.

"District"

SEC. 11. "District" means Solvang Municipal Improvement District.

"Board"

SEC. 12. "Board" means the board of directors of the district.

"Sanitary district" "fire district," "lighting district"

SEC. 13. "Sanitary district" refers to the Solvang Sanitary District; "fire district" refers to the Solvang County Fire Protection District; "lighting district" refers to the Solvang Lighting District of Santa Barbara County; and "districts" refers to all three districts collectively.

"Charges"

SEC. 14. "Charges" includes fees, tolls, rates and rentals.

"County"

SEC. 15. "County" means the County of Santa Barbara.

"Board of supervisors"

SEC. 16. "Board or supervisors" means the Board of Supervisors of the County of Santa Barbara.

"President," "secretary," "assessor"

SEC. 17. "President," "secretary," and "assessor" mean the president, secretary, and assessor, respectively, of the district.

Definitions

SEC. 18. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City council," "council," and "legislative body" mean board.

(b) "City," "municipality," and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district or any other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the Tax Collector of the County of Santa Barbara.

(f) "Treasurer" and "city treasurer" mean the County Treasurer of the County of Santa Barbara.

(g) "Auditor" and "city auditor" mean the County Auditor of the County of Santa Barbara.

(h) "Budget law" means Chapter 1, Division 3, Title 3 of the Government Code.

Article 3. General Administrative Provisions

Board

SEC. 25. The board is the governing power of the district and shall consist of five (5) members. The officers of the district are an assessor and the five members of the board.

First board

SEC. 26. The first district officers shall be the members of the sanitary board and the assessor of the sanitary district. The term of office of each member and of the assessor shall remain the same as his present term of office. Elections of subsequent officers shall be at the time and conducted in the manner provided for elections of members of the sanitary board under Part 1 of Division 6 of the Health and Safety Code.

President, secretary

SEC. 27. The president and secretary of the sanitary district are the president and secretary of the board. Both shall serve at the pleasure of the board.

Signing of documents

SEC. 28. All contracts, deeds, warrants, releases, receipts and documents shall be signed in the name of the district by the president and countersigned by the secretary.

Compensation

SEC. 29 Each board member shall receive fifteen dollars ($15) for each day of his actual attendance of the meetings of the board No member shall, however, receive more than thirty dollars ($30) in any calendar month.

Auto mileage reimbursement

SEC. 30. Each board member shall be reimbursed for actual expenses incurred on behalf of the district, including seven cents ($0.07) per mile of actual travel with his automobile

Ex officio officers

SEC. 31. The County Treasurer, County Auditor, and County Tax Collector of the County of Santa Barbara are ex officio officers of the district.

Conduct of elections

SEC. 32 All district elections other than bond elections shall be conducted in accordance with the general law applicable to sanitary districts.

Liability of officers

SEC. 33. All county officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Article 4. Powers

District consolidation

SEC. 40. The sanitary district, the fire district, and the lighting district are hereby consolidated and merged with the district, and all the obligations of the districts are the obligations of the district.

Seal

SEC. 41. The district may use a seal, alterable at the pleasure of the board.

Legal actions

SEC. 42. The district may sue and be sued by its name.

Powers

SEC. 43. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate street and highway lighting facilities and facilities for the collection, treatment and disposal of sewage, industrial wastes, storm waters, garbage and refuse; the production, storage, treatment and distribution of water for public and private purposes; and fire departments and facilities.

Same

SEC. 44. The district may take, acquire, hold, use and dispose of property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes and powers.

Same

SEC. 45. The district has and may exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof. The provisions of Title 7, Part 3 of the Code of Civil Procedure shall apply. The board has the same rights and powers with respect to the taking of property for the public uses of the district as are now or may hereafter be conferred by general law on the legislative body of a city.

Contracts

SEC. 46. The district may make and accept contracts deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of any of the powers of the district

Cooperation with State, United States, etc

SEC. 47. The district may cooperate and contract with the Federal Government of the United States and with the State of California, or with any county, municipal corporation, district, or other public corporation therein, or with any person, firm, or corporation, for the joint acquisition, construction, or use or aid in the construction of any facilities which the district has the power to acquire or construct under this act.

Existing contracts

SEC. 48. All existing contracts of the districts are the contracts of the district and all assets of the districts are hereby transferred to the district.

Borrowing money

SEC. 49. The district may borrow money and provide for its repayment without regard to any limitation by reason of any budget law or otherwise.

Guaranteeing performance

SEC. 50. The district may guarantee the performance of any of its transactions, including the payment of local improvement bonds issued pursuant to any general law, without regard to any limitation by reason of any budget law or otherwise.

Refunding indebtedness

SEC. 51. The district may refund or retire any public indebtedness or lien that may exist or be created against the district or any property therein which shall have arisen out of the transaction of the affairs of the district

Incurring indebtedness

SEC. 52. The district may incur indebtedness and issue bonds in the manner herein provided.

Warrants

SEC. 53. The district may issue warrants in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds Demands allowed by the board shall be prepared, presented, and audited in the same manner as demands upon the funds of the county, but free of the limitation of any budget law.

Special assessments

SEC 54. The district may cause special assessments to be levied and collected and issue bonds to represent unpaid assessments on the basis of benefit to the properties assessed for the purpose of financing the acquisition and construction of local improvements.

Employees

SEC. 55. The district may appoint, employ and fix the compensation of such engineers, attorneys, assistants and other employees as it deems proper.

Sale of effluents

SEC. 56. The district may sell any effluent resulting from the operation of any treatment or disposal plant or facility constructed or acquired by or for the district.

Insurance

SEC. 57. The district may take out insurance in such form and in such amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees and interests.

Regulations

SEC. 58. The district may make and enforce all necessary and proper regulations not in conflict with the laws of this State for the removal of garbage and refuse and the supplying of sewage, fire, light, and water service. A violation of a regulation of the district is a misdemeanor punishable as such. A regulation of the board shall be adopted by ordinance and shall be posted for one week in three public places in the district and shall take effect upon expiration of the week of such posting A subsequent finding of the board, entered in its minutes, that posting has been made is conclusive evidence that the posting has been properly made.

Compelling use of facilities

SEC. 59 The district may compel all residents and property owners in the district to connect their houses, habitations, and structures requiring sewage or drainage disposal service with the sewer and storm drains in streets, and use district garbage and refuse removal services and facilities.

Charges

SEC. 60. The district may prescribe, revise, and collect charges for services and facilities furnished by it Such rates may be collected either singly or collectively, and the board may establish rules governing their levy and collection.

Same

SEC. 61. The district may make such charges payable in advance. In case any such charges remain unpaid at the time specified for fixing the tax rate of the district, if the property is owned, controlled or in the possession of the same person who

owned, controlled or was in possession of it during the time such charges were incurred, or if the only transfers made of the property since the date such charges were incurred, have been transfers by gift, descent, bequest or devise, the amount due for such charges may be added to and become a part of the annual taxes levied against the land served by the district facilities. Such charges so added shall constitute a lien on said land. If the taxes are divided and made payable in two installments, the unpaid charges may be added to and become a part of the first installment. The board shall include in the statement of tax rate transmitted to the county auditor the amount of such charges to be levied against the land served, and the auditor shall include such charges in the tax bills.

Contracts

SEC. 64. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand five hundred dollars ($2,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of two thousand five hundred dollars ($2,500), or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 47, or to a contract authorized by a vote of the electorate of the district.

Article 5. General Obligation Bonds

Bond issuing

SEC. 80. The district may issue bonds as provided in this article for any of the purposes stated in Sections 43 and 51 hereof.

Election

SEC. 81. By resolution, when in its judgment it is advisable, the board may, and shall, upon a petition of ten percent (10%) of the registered voters residing in the district, call an election and submit to the voters of the district the question whether bonds shall be issued.

Same

SEC. 82. The resolution calling the election may submit as one proposal the question of issuing bonds to make all of the outlays or so many of them as may be selected, or the resolution may submit at the election as separate questions the issuance of bonds for any of the outlays singly or in combination.

Same, notice of

SEC. 83. Notice of bond elections shall be given by posting notices, signed by the secretary of the board, in three public places in the district, not less than twenty (20) days before the election, and by publishing the notice not less than once a week for three (3) successive weeks before the election in a newspaper printed and published in the district, if there is one, and if not, in a newspaper printed and published in the county.

Same

SEC. 84. The notice shall contain:

(a) Time and place of holding the election.

(b) The names of the officers of election appointed to conduct it.

(c) The hours during the day in which the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount and denomination of the proposed bonds, the rate of interest and the number of years, the whole or any part of the bonds are to run.

Ballot

SEC. 85. The vote shall be by ballot, without reference to the general law in regard to the form of ballot.

The ballot shall contain the words "Bonds—Yes" and "Bonds—No", and the person voting at the election shall put a cross (+) upon his ballot after the "Yes" or "No" to indicate whether he has voted for or against the bonds.

Canvass

SEC. 86. After the votes have been announced the ballots shall be sealed and delivered to the secretary or president of the board, which board shall on the seventh day after the election, at 8 p.m., meet and canvass them and enter the returns in its minutes.

The entry is conclusive evidence of the fact and regularity of all prior proceedings, and of the facts stated in the entry. No informality shall affect the validity of said bonds.

Conduct

SEC. 87. Except as herein provided, the election shall be conducted as nearly as practicable in accordance with the general laws.

Issuing of bonds:

SEC. 88. If, at the election, a majority of the votes cast are in favor of the issuance of bonds, the board may issue and

dispose of the bonds as proposed in the resolution calling the election.

Denomination

SEC. 89. Bonds issued by the district under the provisions of this article shall be of such denomination as the board determines except that no bonds shall be of a denomination less than one hundred dollars ($100) or greater than one thousand dollars ($1,000).

Interest

SEC. 90. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding six percent (6%) per annum, payable semiannually in like lawful money.

Payment

SEC. 91. No bonds shall be payable in installments, but each shall be payable in full on the date specified therein by the board. The board may provide that all bonds issued by the district may be subject to retirement at any time prior to maturity.

Signatures

SEC. 92. Each bond shall be signed by the president and countersigned by the secretary.

Numbering

SEC. 93. The bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond.

Disposal

SEC. 94. The bonds shall be disposed of by the board in such manner and in such quantities as may be determined by it in its discretion. No bond may be disposed of for less than its face value.

Length of term

SEC. 95. The term of bonds issued shall not exceed forty (40) years.

Regularity of proceedings

SEC. 96. The resolution ordering the issuance of the bonds, by its adoption, shall be conclusive evidence of the regularity of said bond proceedings.

Special proceedings

SEC. 97. The board may, in its discretion, before issuance, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceedings in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that law. The board may use the same procedure to validate the creation of the district and any annexations thereto

Water C., §20500, ff

Bond issue defined

SEC. 98. An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

Bond series etc

SEC. 99. The board may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided

into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the board separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Article 6. Revenue Bonds

Revenue bonds

SEC. 105. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds for sewerage, garbage, refuse, and water facilities of the district shall be conducted, either separately or as a joint single bond issue, for any one or all or any combination of said facilities, in substantial accordance with and with like legal effect as is now or hereafter provided in the Sanitation, Sewer and Water Revenue Bond Law of 1941, except that subdivision (c) of Section 54310 shall not apply.

Gov C, §54300, ff

Powers

SEC. 106. The board shall have and exercise the powers and duties of local agencies under the said law, and the bondholders shall have the rights and remedies therein provided.

Article 7. Assessment Bonds

Stats 1913, p 421
S & H C, §5000 ff
S & H C, §4000, ff
S & H C, §8500 ff

SEC. 110. The Municipal Improvement Act of 1913, the Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915 are applicable to the district.

Resolution of intention

SEC. 111. In its resolution of intention adopted pursuant to any of the acts mentioned in the preceding section, the board may determine and declare that bonds will be issued and paid, and the assessments therefor levied, collected and augmented in accordance with the applicable provisions of Sections 14, 15, 16, 17, 20, 21, 22, 24, 25, 26, 27, and 28 of the Refunding Assessment Bond Act of 1935, as now or hereafter provided, in which case the applicable provisions of said act are incorporated herein and made a part hereof by reference; provided, however, that appropriate changes shall be made in the form of said bond to show that it is for a public improvement or acquisition under this act.

Stats 1935, p 2023

The list of unpaid assessments shall be filed, noticed, heard, and the bonds ordered issued, interest shall accrue from the date, the assessments thereafter paid before maturity, bonds called, premium paid, and illegal assessments and bonds reassessed, all as provided in the Improvement Bond Act of 1915. The bond shall be entitled "Improvement Bond." The provisions for payment of the bond before maturity, as contained in the bond form in the Improvement Bond Act of 1915, shall be inserted in the place of the similar provision in said refunding bond form. There shall also be inserted in the bond form after the title of the refunding act the words "as modified in the Solvang Municipal Improvement District Act."

Restrictions

SEC. 112. The improvements authorized to be constructed or acquired by this article are restricted to those permitted to be constructed or acquired by the district under said acts and under Article 4 of this act.

County consent

SEC. 113. The provisions of any act to the contrary, it shall not be necessary to obtain the consent of the county to conduct assessment proceedings. It shall only be necessary to record the assessment in the office of the district engineer and in the office of the county surveyor of the county. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the district engineer and in the office of the county surveyor or county engineer of the county.

Article 8. Taxation—County Roll

Tax lien

SEC. 120. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later.

Annual statement

SEC. 121. Annually, at least fifteen (15) days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

Tax levy

SEC. 122. The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board.

Failure to act

SEC. 123. If the board fails to furnish the written statement or levy necessary taxes under Article 9, the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount.

Tax collection

SEC. 124. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury to the credit of the proper district fund, as provided in Article 10 hereof. The board shall control and order its expenditure.

Payment on bonds

SEC. 125. The principal and interest on district bonds shall be paid by the treasurer in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

County compensation

SEC. 126. Compensation to the county for the performance of services described in this article is hereby fixed at one-half of one percent ($\frac{1}{2}$ of 1%) of all moneys collected for the district.

Transfer of funds

SEC. 127. The board of supervisors is hereby authorized to transfer funds of the county not immediately needed for county purposes to the general fund of the district to be used for the payment of the expenses of the district until such time as tax receipts are available therefor. The board of supervisors shall include in the levy of taxes for the district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose and the amounts so transferred shall be retransferred to the county treasury from the general fund of the district out of the first available receipts from the tax levy.

Article 9. Funds

"Solvang Municipal Improvement District General Fund" Disposition of proceeds

SEC. 175. In a fund called the "Solvang Municipal Improvement District General Fund," the treasurer shall place and keep the money levied by the board for that fund.

SEC. 176. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be by him placed in the fund to be called the "Solvang Municipal Improvement District Construction Fund No. ---------." (inserting number)

Use of funds

SEC. 177. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued, or the assessment levied, and for no other purpose; provided, that any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

Particular series

SEC. 178. In a fund called the "Solvang Municipal Improvement District Bond Fund, Series ---------," (inserting series number), the treasurer shall keep money levied by the board for that fund.

Transfer of money

SEC. 179. No part of the money in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

Budget laws

SEC. 180. The budget laws do not apply to the district.

Article 10. Annexation and Bonds of Annexed Territory

Annexing contiguous territory

SEC. 200. Any contiguous territory may be annexed to the district in the manner provided in Articles 2 and 3 of Chapter 9 of Part 1 of Division 6 of the Health and Safety Code.

Bond issuing

SEC. 201. At any time after the annexation of territory, the district board may issue bonds for any of the purposes stated in Section 43 hereof in or for the benefit of the annexed area in the manner provided in Article 5 hereof, except that only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. If any such bonds are issued or proceedings under Article 7 hereof are conducted in the annexed territory, the territory shall not be subject to taxation for any outstanding bonds issued for one or more of the same purposes. When no such bond proceedings are contemplated in the annexed territory, the district board may, by resolution, if it finds such action to be necessary to provide equality of taxation, determine that the annexed area shall not be subject to taxation for any prior indebtedness. Certified copies of the resolution shall be filed with the county clerk and the county assessor and thereafter the annexed area shall not be subject to taxation for any such prior indebtedness.

Scope

SEC. 202. The provisions of this article do not limit the powers or alter the procedure for the issuance and payment of bonds by an entire district.

Article 11. Urgency

Purpose

SEC. 210. The purpose of this act is to form the Solvang Municipal Improvement District in order that the area benefited may be provided with various municipal improvements; special facts and circumstances, applicable to the area in which the district lies and not generally, make the accomplishment of this purpose impossible under existing general laws and therefore special legislation is necessary. The special facts are as follows:

(a) The area has no facilities for the treatment and disposal of sewage and is consequently contaminating the waters of the State.

(b) The area is without an adequate water supply, storage, and distribution system for public and private purposes.

(c) There is urgent need for the municipal improvements which the district is empowered to construct under this act, but other municipal powers which could be exercised by a city are not required, and would result in more government than the area needs or wants. There are no existing general laws under which the area could be provided with the facilities it needs short of incorporation as a city. Therefore, the only way in which the particular needs of the area can be provided is by special act.

(d) The existing districts are performing sewage, fire protection, and lighting functions. Their administration under a single governing body will result in economies of administration which cannot be obtained by continued unit functioning.

(e) The area is of strategic importance during times of war or threatened war. Its local airport is strategically located midway between the military and air installations at Santa Maria and at Santa Barbara. Influx of military men and their families during times of war or threatened war greatly increases the necessity of providing municipal facilities.

SEC. 211. This act is an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

Water pollution and the providing of water for domestic and fire protection purposes are critical problems in the proposed district. State and local health authorities are agreed on the urgent need for immediate sewage treatment and water facilities in the area if a serious health condition is to be avoided. Inadequacy of existing law makes it necessary that this legislation take immediate effect so that necessary facilities may be provided.

CHAPTER 1636

An act to amend Section 10375 of the Health and Safety Code, relating to registration of births, deaths, and marriages.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 10375 of the Health and Safety Code, as enacted by Chapter 116 of the Statutes of 1951, is amended to read:

10375 The certificate of death shall be divided into two sections, the first section shall contain those items necessary to establish the fact of death and the second section shall contain those items relating to medical and health data; the first section shall contain the following items and such other items as the state department may designate: Death certificate

(1) Personal data concerning decedent:
(a) Full name.
(b) Sex.
(c) Color or race.
(d) Marital status.
(e) Name of spouse, if married.
(f) Date of birth and age at death.
(g) Birthplace.
(h) Usual residence.
(i) Occupation and industry or business.

(2) Date of death, including month, day and year.
(3) Place of occurrence of death.
(4) Parentage:
(a) Full name of father and birthplace of father.
(b) Full maiden name of mother and birthplace of mother.
(5) Informant.
(6) Disposition of body information:
(a) Signature and license number of embalmer if body embalmed; provided, that by a written special power of attorney, which shall be retained by the attorney for a period of one year, an embalmer may authorize his signature affixed after he has embalmed a body.
(b) Name of funeral director, or person acting as such.
(c) Date and place of burial, cremation, or removal.
(7) Certification and signature of attending physician; certification and signature of coroner as to action of the coroner when required to act by law, stating kind of action taken, whether inquest, autopsy or investigation.
(8) Signature of local registrar and date received by local registrar.

The second section shall contain the following items and such other items as the state department may designate:
(1) Disease or conditions leading directly to death and antecedent causes.
(2) Operations and major findings thereof.
(3) Accident and injury information.

CHAPTER 1637

An act to amend Sections 4013 and 4162 of, and add Sections 4034, 4038, 4038.1, 4038.2, 4038.3, and 4039 to, and repeal Sections 4038 and 4039 of, the Business and Professions Code, relating to pharmacy.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 4013 of the Business and Professions Code is amended to read:

Board members' salaries

4013. The members of the board shall each be paid the sum of twenty-five dollars ($25) per diem for every meeting of the board which they attend, and for each day engaged in rating examination papers based upon one per diem for each 20 papers or fraction thereof, and shall be further entitled to their actual travel and other necessary expenses incurred in the performance of their duties

SEC. 2. Section 4162 of said code is amended to read:

Exceptions

4162. The provisions of this article with reference to hypodermic syringes and needles do not apply to the sale at

wholesale by drug jobbers, drug wholesalers and drug manufacturers or manufacturers and dealers in surgical instruments to any of the following:

(a) Pharmacies as defined in the Business and Professions Code.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Other jobbers, wholesalers or manufacturers.

(g) Persons to whom a permit has been issued.

(h) Funeral directors and embalmers.

Nor do such provisions apply to the sale at retail by persons to whom a permit has been issued to any of the following:

(a) Pharmacists.

(b) Physicians.

(c) Dentists.

(d) Chiropodists.

(e) Veterinarians.

(f) Licensed medical technicians or technologists

(g) Nurses.

(h) Hospital research teaching or clinical laboratories.

(i) Other permittees.

(j) Funeral directors and embalmers.

SEC. 3. Section 4034 is added to said code, to read:

Vending, etc., of certain drugs

4034. The furnishing, dispensing, or vending of any chemicals, drugs, or medicines, other than those exempted in Sections 4032 and 4044 or preparations designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, by a wholesaler shall be under the immediate supervision and direction of a registered pharmacist.

Repeal

SEC. 4. Sections 4038 and 4039 of said code are repealed.

SEC. 5. Section 4038 is added to said code, to read:

Pharmacy permits

4038. It is unlawful for any person to conduct a pharmacy in the State of California unless he has obtained a permit from the board. Each permit shall be issued to a specific person and for a specific location. Separate permits shall be issued for each of the premises of any business establishment having more than one location.

SEC. 6. Section 4038.1 is added to said code, to read:

Application

4038.1. Each application to conduct a pharmacy shall be made on a form furnished by the board. Upon approval of such application by the board and payment of the fee required by this chapter for each pharmacy, the secretary of the board shall issue a permit to conduct a pharmacy if the applicant has complied with all the provisions of this chapter. The permit shall be renewed annually on or before November 1st and shall not be transferable.

SEC. 7. Section 4038.2 is added to said code, to read:

Change of location

4038.2. If a pharmacy is moved from one location to another or the name only of a pharmacy is changed, the licensee

shall notify the board within thirty (30) days after the change, and shall return the permit to the board for correction.

Sale of pharmacy

SEC. 8. Section 4038.3 is added to said code, to read:

4038.3. Any person who enters into an agreement to purchase a pharmacy shall at once notify the board in writing, giving his name and address. Such person shall file his application to conduct a pharmacy upon a form furnished by the board. Upon approval of the application by the board, payment of the fee, and compliance with the provisions of this chapter, the secretary of the board shall issue to the applicant a permit to conduct a pharmacy and the permit of the vendor of such pharmacy shall be returned to the board for cancellation.

"Person"

SEC. 9. Section 4039 is added to said code, to read:

4039. "Person" means any person, firm, association, organization, partnership, business trust, corporation or company.

CHAPTER 1638

An act making an allocation from the Emergency Fund specified in Item 277 of the Budget Act of 1950, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

Amount reduced to $60,000

I object to the item of appropriation in Section 1 of Assembly Bill 1072 and I reduce the amount of said appropriation to sixty thousand dollars ($60,000). With this reduction I approve the bill.

EARL WARREN
Governor of California

The people of the State of California do enact as follows:

Allocation Flood and storm damage repair

SECTION 1. There is hereby allocated out of those funds in the Emergency Fund specified in Item 277 of the Budget Act of 1950, appropriated by Chapter 13 of the Statutes of 1951, so much thereof as may be necessary for expenditure by the Department of Finance in the County of Sierra to restore County Primary Road No. 5 and provide channel protection therefor, to restore County Secondary Road No. 308 and replace a bridge thereon, restore County Secondary Roads Nos. 309 and 310, and restore County Secondary Road No. 504 and replace a bridge thereon.

Same

SEC. 2. With regard to subdivision (c) of Section 1 of Chapter 13 of the Statutes of 1951, all sums expended by the County of Sierra prior to the effective date of this section and since April 1, 1951, on the roads, channels and bridges specified in Section 1 of this act, shall be considered and counted as money made available by the County of Sierra for matching purposes.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

Facilities for the furnishing of governmental services necessary to the public health and safety of the people of this State were damaged and destroyed by recent storms and floods. In some areas, people have been isolated from their schools, stores, shops, and means of livelihood because of the destruction of and damage to bridges on county roads and in other areas, damage to the water supply and fire protection facilities has endangered the public health and safety.

In order that funds be made available for the immediate repair and restoration of these facilities and to remove a present threat to the public health and safety, it is necessary that this act take effect immediately.

CHAPTER 1639

An act to amend Section 2137.1 of the Business and Professions Code, relating to persons authorized to practice medicine and surgery in state institutions.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 2137.1 of the Business and Professions Code is hereby amended to read as follows:

Medical practice in state institutions

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1953, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first so employed. The provisions of this section shall terminate on October 1, 1953.

CHAPTER 1640

An act to add Section 20358 to the Education Code, relating to the purchase of insurance in connection with driver training classes.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 20358 is added to the Education Code, to read:

Driver training insurance

20358. The Department of Education may insure employees of state colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 of the Labor Code, for injuries or damages resulting from the negligent operation of any motor vehicle while such motor vehicle is operated by the employees or by students in connection with the giving of instruction in the operation of motor vehicles within the curricula of the state college.

CHAPTER 1641

An act to amend Section 6 of the Judges' Retirement Act, relating to assignment of retired judges.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Judges' Retirement Act is amended to read:

Assignment of retired judges

Sec. 6. Justices and judges retired under the provisions of this act, so long as they are entitled by its provisions to receive a retirement allowance, shall be judicial officers of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court as hereinafter provided. Any such retired justice or judge may, with his own consent, be assigned by the Chairman of the Judicial Council to sit in a court of like jurisdiction as, or higher jurisdiction than, that court from which he was retired; and while so assigned shall have all the powers of a justice or judge thereof. If assigned to sit in a court, he shall be paid while sitting therein in addition to his retirement allowance the difference, if any, between his retirement allowance and the compensation of a judge of the court to which he is assigned. When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment. Such extra compensation and expenses, if any, shall be chargeable as follows:

(1) When the assignment is to the Supreme Court or a district court of appeal the additional compensation and expenses are chargeable to the State;

(2) When the assignment is to a superior court the difference between the retirement allowance and the State's contribution to a superior court judge's salary, if the State's contribution is greater than the retirement allowance, is chargeable to the State, and any additional compensation and expenses, are chargeable to the county;

(3) When the assignment is to a municipal court, the additional compensation and expenses are chargeable to the county.

CHAPTER 1642

An act to amend Sections 1101, 1102.2, 1102.3, and 1107 of the Agricultural Code, relating to eggs.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1101 of the Agricultural Code is amended to read:

1101. As used in this article with relation to eggs: Definitions

(a) "Addled" or "white rot" means putrid or rotten.

(b) "Adherent yolk" means the yolk has become fastened to the shell.

(c) "Blood" means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

(d) "Candling" means the examination of the interior of eggs by the use of transmitted light.

(e) "Clean" means that the eggshell is free from foreign substance and is free from stains and discolorations other than processing oil.

(f) "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil, shall exceed an aggregate area of one-half inch in diameter.

(g) "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

(h) "Moldy" or "black spot" or "black rot" means the presence of mold or bacteria inside the shell.

(i) "Processed" means that the shell has been treated with oil or other preservative preparation.

(j) "Sound" means that the shell is free from cracks.

(k) "Uniform in size" means that the eggs in any one container shall not vary more than three-eighths of an ounce in weight.

(*l*) "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.

(m) "Firm white" means that the white is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.

(n) "Checks" are eggs with shells which are not sound as determined by candling, appearance, or other means; provided, no exudation is present.

(o) "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

(p) "Inedible eggs" are eggs which as determined by candling or any other means contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

(q) "Denatured" means eggs (1), made unfit for human food by treatment or the addition of a foreign substance or (2), with one-half or more of the shell's surface covered by a permanent black dye.

(r) "Clear white" means that the white is free from discoloration or foreign bodies.

SEC. 2. Section 1102.2 of said code is amended to read:

Same

1102.2. As used in this article with relation to chicken eggs, the following standards of size as determined by weight are hereby established:

(a) "Jumbo": Eggs uniform in size weighing not less than $2\frac{5}{12}$ ounces each, and averaging not less than 30 ounces per dozen.

(b) "Extra Large": Eggs uniform in size weighing not less than $2\frac{1}{8}$ ounces each, and averaging not less than 27 ounces per dozen.

(c) "Large": Eggs uniform in size weighing not less than $1\frac{11}{12}$ ounces each, and averaging not less than 24 ounces per dozen.

(d) "Medium": Eggs uniform in size weighing not less than $1\frac{2}{3}$ ounces each, and averaging not less than 21 ounces per dozen.

(e) "Small": Eggs uniform in size weighing not less than $1\frac{5}{12}$ ounces each, and averaging not less than 18 ounces per dozen.

(f) "Peewee": Eggs weighing less than $1\frac{5}{12}$ ounces each.

SEC. 3. Section 1102.3 of said code is amended to read:

Tolerances

1102.3. The tolerances for jumbo, extra large, large, medium and small size standards of eggs shall be as follows: 5 percent by count of eggs in any container or bulk lot may be eggs of the next lower size than that specified, provided, eggs of the quality Grade C need not be graded and marked as to size.

SEC. 4. Section 1107 of said code is amended to read:

1107. Any person who violates any of the provisions of this article is guilty of a misdemeanor punishable: Penalties

(a) In cases of wilful or intentional violation by imprisonment in the county jail not exceeding six months or by fine not exceeding five hundred dollars ($500) or by both, or

(b) In cases not involving wilful or intentional violation by fine not exceeding five hundred dollars ($500).

CHAPTER 1643

An act to amend Section 53601 of the Government Code, relating to the powers of local agencies.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 53601 of the Government Code is amended to read:

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in: Investment of surplus money

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes or bonds or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Treasury notes or bonds of this State or of any local agency within this State including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the State or any local agency, or by a department, board, agency or authority thereof.

(d) Registered state warrants.

CHAPTER 1644

An act to amend Sections 2 and 8 of, and to add Section 4.1 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 Stats. 1946 (1st Ex. Sess.), p. 45, amended

15, 1946, as amended, relating to eligible tenants and extending the period of availability of moneys appropriated therefor.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

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:

Definitions

Sec. 2. As used in this act:

(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.

(b) "Housing" means any temporary housing (intact or in panels suitable for reuse) made available by the National Housing Administrator, or any other federal agency having to do with the disposal of such housing, 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.

(g) "Defense workers" means workers engaged or to be engaged in industries connected with and essential to the war or national defense.

SEC. 2. Section 4.1 is added to the act cited in the title hereof, to read:

Leasing to defense workers

Sec. 4.1. Notwithstanding any provisions of this act to the contrary, local agencies administering housing facilities acquired pursuant to this act may let or lease accommodations therein to defense workers and their families; provided, however, that in filling vacancies in such projects, preference shall be given to veterans and their families and to families of servicemen.

SEC. 3. Section 8 of the act cited in the title hereof is amended to read:

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.

State funds

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.

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.

Except in the case of allocations to 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.

A sum of money equal to the amount (of the appropriation heretofore made by this act, augmented by the appropriation made by Chapter 1 of the Fifty-sixth (Second Extraordinary) Session) which reverted to the General Fund on or about April 6, 1947, is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, in augmentation of the appropriation heretofore made by this act, to carry out the provisions of this act. Any portion of the moneys hereby or heretofore appropriated 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, 1953. 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 December 31, 1953; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1954.

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.

CHAPTER 1645

An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 44 of the Vehicle Code is amended to read:

"Authorized Emergency Vehicle"

44. "Authorized Emergency Vehicle." An "authorized emergency vehicle" is a vehicle of any of the following types:

(a) A vehicle publicly owned and operated in the performance of his duty, by a member of any police or fire department, including the California Division of Forestry, any sheriff, constable, or deputy sheriff, or deputy constable, or traffic law enforcement officer who is regularly employed by the State, or any city, or any city and county, or any county in responding to emergency calls or in a traffic patrol duty.

(b) A motorcycle, either publicly or privately owned, operated by a police or traffic law enforcement officer in enforcing the provisions of this code.

(c) A motor vehicle, either publicly or privately owned, operated by a state or county forest ranger, or a fire warden on salary and directly in charge of fire protection work upon behalf of the State or in any county, or the chief or assistant chief of an organized fire department, in responding to emergency fire calls.

(1) A vehicle, privately owned, operated by the chief or other authorized member of an organized fire department in responding to emergency calls in connection with lifesaving or other public purposes, not connected with fire calls.

(2) A permit must be obtained from the Chief of the California Highway Patrol in respect to any privately owned vehicle referred to in subsection (c) and when any such privately owned vehicle is not at the time engaged in responding to an emergency fire call or in connection with lifesaving or other public purposes any siren thereon must be disconnected and any red front lights must be covered.

(d) Any fire fighting equipment designed and operated exclusively as such by an oil company and used in responding to emergency fire calls and in combating fires.

(e) When used in responding to emergency calls, any privately owned ambulance, specially constructed and maintained exclusively for ambulance purposes, authorized by permit issued

by the Chief of the California Highway Patrol, and any publicly owned ambulance.

(f) An emergency repair vehicle of a utility or public utility, whether privately, municipally or publicly owned, used in responding to emergency calls when authorized by the Chief of the California Highway Patrol.

(g) Any fire fighting equipment, emergency wrecking equipment or emergency repair equipment, owned and operated by a bridge and highway district for the purpose of extinguishing fires, removing wrecked motor vehicles, caring for injured persons, or repairing damaged lighting, or electrical equipment, of such bridge and highway district, when such vehicles are responding to emergency calls.

(h) A motor vehicle, owned by the State, and operated by a regularly employed special agent, investigator, or inspector of the Department of Justice in the performance of his duties.

SEC. 2. Section 44.1 of the Vehicle Code is amended to read:

44.1. Authorized Emergency Vehicle, Privately Owned. Same In addition to the vehicles defined as "authorized emergency vehicle" by Section 44, the provisions of this code relating to authorized emergency vehicles shall apply to vehicles publicly maintained in whole or in part by the State, or city, or city and county, or county, and privately owned and operated by a member of, and who receives salary from, and is regularly employed by, an organized municipal police department, or by any sheriff, constable, or deputy sheriff, or deputy constable regularly employed by the county, or by a marshal or deputy marshal of a municipal court, and such vehicle shall be "authorized emergency vehicles," but only under each and all of the following conditions:

1. When such vehicle has a permit from the Chief of the California Highway Patrol.

2. When said vehicle has affixed to the license plates thereon distinguishing signs of a type approved by the Chief of the California Highway Patrol and when said signs are so located as to be plainly visible at a distance of not less than 50 feet from the front and rear of said vehicle.

3. Where said person operates such vehicle so owned by him in responding to emergency calls or fire alarms or in street or highway patrol duty, or operates such vehicle in the pursuit of actual or suspected violators of the law.

4. When the State, city, or any city and county, or any county does not furnish to such sheriff, constable, deputy sheriff, marshal or deputy marshal of a municipal court, or any member of a police department, a publicly owned vehicle for the purpose above stated.

5. Whenever such vehicle is being used for purposes other than those specifically authorized herein, the siren must be disconnected and the red lights covered. Any violation of this provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

CHAPTER 1646

An act to repeal Division 9 of, and to add Division 9 to, the Public Resources Code, relating to soil conservation, prescribing the duties and functions of the State Soil Conservation Commission, and regulating the organization, operations, finances, and functions of soil conservation districts and providing for the discontinuance or change in boundaries of such districts.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Division 9 of the Public Resources Code is repealed.

SEC. 2. Division 9 is added to the Public Resources Code, to read:

DIVISION 9. SOIL CONSERVATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy of State

State policy

9000. The Legislature hereby declares that the conservation of the soil is of fundamental importance to the prosperity and welfare of the people of this State. Severe pressure has been placed upon the State's soil resources in order to supply the basic food requirements of a greatly expanded population, and the productivity of agricultural, range and forest lands must be preserved and increased if the present standard of living is to be maintained under continuing population increases. Special effort must be made to speed up the present program of soil and water conservation in order to provide for permanent productive use of all remaining resources. To promote such effort, the Legislature believes that the State must assume leadership in formulating and putting into effect a state-wide program of soil and water conservation and hereby declares that the provisions of this division of this code are enacted to accomplish the following purposes:

(a) To provide a means by which the State may cooperate with the United States and with soil conservation districts organized pursuant to this division in securing the adoption in this State of farm, range, and woodland practices best adapted to save the soil resources of the State from unreasonable and economically preventable waste.

(b) To provide for the organization and operation of soil conservation districts for the purposes of soil and water conservation, the control of runoff and the prevention and control of soil erosion, including, but not limited to, the improvement of farm irrigation, the development of storage and distribution of water, land drainage and land clearing. Such districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this State, counties, public districts, other soil conservation districts, persons, associations, and corporations in matters relating to the control of runoff and to soil conservation through the prevention and control of soil erosion.

(2) With the consent of the owner, to construct on privately or publicly owned lands necessary works for the control of runoff and the prevention and control of soil erosion.

9001. It is hereby declared as a matter of legislative determination:

(a) That the construction and maintenance on privately or publicly owned land of works for the control of runoff and the prevention and control of soil erosion caused by the action of water or wind or otherwise is in the general public interest and for the general public benefit.

(b) That the expenditure of state, county, district or other public funds for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

Article 2. Definitions

9010. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires. Definitions

9011. "Commission" means the State Soil Conservation Commission. "Commission"

9012. "District" means a soil conservation district. "District"

9013. "Public district" means a district established under the law of this State, other than a soil conservation district. "Public district"

9014. "Directors" means the board of directors of a district, and when powers are conferred or duties are imposed upon directors in this division the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals. "Directors"

9015. "Board" means the county board of supervisors. "Board"

9016. "Principal county" means the county in which all or the greatest portion of the land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the area in the consolidated district is located. "Principal county"

9017. "Landowner" or "owner of land" means the person having legal title to the land in question. The person to whom the land is assessed for county taxes is presumed to be the owner of the land, in the absence of a showing to the contrary. The owner of an undivided interest in land is a landowner as to such proportion of the parcel as his interest bears to the whole. "Landowner"

9018. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, "Land occupant"

lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person in actual possession of land is a land occupant regardless of his right of possession.

"Elector" 9019. "Elector" means a registered and qualified elector of the county who resides in the district.

"Voter" 9020. "Voter" means a person entitled to vote at an election held pursuant to this division.

"Proxy" 9021. "Proxy" means a written authorization to vote or sign a petition. Landowners only may vote or sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may vote or sign a petition only by proxy.

"Person" 9023. "Person" includes person, association, or corporation.

"Assessment roll" 9024. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

"Assessment records" 9025. "Assessment records" includes the assessment roll and all maps and other records relating to the assessment, levy, and collection of taxes, whether in the custody of the assessor or not.

"Assessor" 9026. "Assessor" means the assessing officer of a county, by whatever title he may be known.

Chapter 2. The State Soil Conservation Commission

Article 1. Organization

State Soil Conservation Commission 9030. There is in the Department of Natural Resources the State Soil Conservation Commission. It shall consist of five members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years The commission shall be responsible to the Director of Natural Resources for the proper carrying out of its functions under this division.

Members 9031. The members to be appointed shall be directors and in making such appointments, the Governor shall provide for representation from the northern, central and southern portions of the State by appointing one from each of these areas and two from the State at large.

Oath 9032. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission.

Compensation 9033. The members of the commission shall receive no compensation for their services as such members but each shall be allowed reasonable and necessary expenses incurred in attendance at meeting of the commission or when otherwise engaged in the work of the commission at its direction.

9034. Three members of the commission shall constitute a quorum for any purpose, including organization. Quorum

9035. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected. Chairman

9036. The commission shall appoint a secretary. The secretary shall be a paid employee of the commission. The secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary. Secretary

9037. The official headquarters of the commission after July 1, 1952, shall be at Sacramento, California. Headquarters

Article 2. Powers and Duties

9040. The State Soil Conservation Commission is the state agency charged with carrying out the purposes and policy of this division. Powers and duties

9041. The commission shall assist in the formation, organization and operation of soil conservation districts. Forming districts

9042. It may investigate any proposed new soil conservation district or addition of land to a district and report its findings and conclusions to the proponents of such district, or addition. Investigations

9043. It may advise with organized soil conservation districts as to plans and proposals relating to soil conservation activities, and, when such plans or proposals are presented to it, approve, disapprove, or suggest modifications of such plans or proposals. Approval etc of plans

9044. It may cooperate with the United States, any soil conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion. Cooperation with other agencies

9045. Insofar as consistent with the duties, obligations, and responsibilities of other public agencies, the commission may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion. Soil erosion

9046. The commission may employ such clerical, technical, or other assistants as it deems necessary. Employees

Article 3. Funds and Expenditures

9048 The commission may receive contributions from the United States, public districts, soil conservation districts, counties, public agencies, or persons and may use such contributions for the purposes for which they are made. Receiving contributions

9049. The commission is authorized on behalf of the State to accept grants from the United States for the control of runoff and the prevention or control of soil erosion and to administer such grants pursuant to the terms thereof. Same

County contributions

9050. Any county may contribute money of the county to the commission.

Disposition of moneys

9051. All money contributed to the commission shall be paid into the State Treasury to the credit of the Soil Conservation Commission Fund, which fund is hereby created. Such money shall be paid out upon the order of the chairman and secretary of the commission.

Article 4. The Soil Conservation Equipment Revolving Fund

Soil Conservation Equipment Revolving Fund

9053. There is in the State Treasury the Soil Conservation Equipment Revolving Fund which is hereby created. The fund consists of all money appropriated thereto and all money received by the commission pursuant to this article. All money in said fund is appropriated to the commission to carry out the provisions of this article.

Use of moneys

9054. The commission may purchase with money from the Soil Conservation Equipment Revolving Fund and rent to a soil conservation district or sell, on a rental-purchase agreement or otherwise, to a soil conservation district equipment and machinery suitable for work relating to soil conservation, including ditching machinery, grading machinery, soil moving machinery, tractors, and other machinery and equipment useful for the actual operations of soil conservation projects and equipment, machinery, and buildings suitable for servicing, repairing, maintaining, transporting, and housing of that equipment. Of the money made available to the commission under this article not more than 25 percent shall be used for the purchase of equipment, machinery and buildings suitable for servicing, repairing, maintaining, transporting, or housing equipment. Nothing in this article prohibits the purchasing of equipment of any kind from a district. Of the moneys available to the commission to carry out the provisions of this section, the commission shall limit the equipment which may be purchased under this section by any one district to approximately fifty thousand dollars ($50,000), but in no case shall the amount exceed sixty thousand dollars ($60,000) for any one district. In the event any district already possesses more equipment than the limits herein provided, the commission shall reduce the equipment purchased by the district to conform to the limits herein provided, by January 1, 1954.

Limitation

Nothing in this section shall prohibit the commission from purchasing or holding equipment in its possession which it deems vital to the needs of the soil conservation districts and renting such equipment at rental rates approved by the Department of Finance to any soil conservation district

Any equipment not purchased or held by the commission shall be sold prior to November 1, 1953, by the Department of Finance for the best price obtainable in cooperation with the State Soil Conservation Commission. Funds received from the sale of such property and equipment shall be used first to pay

any amounts due the State Soil Conservation Commission on account of that property and equipment by reason of either a cash loan or rental agreement, second to pay any amounts due the State for loans made available by the Department of Finance, and any balance shall be available for expenditure for district purposes.

Use of equipment

9055. All equipment and machinery made available to any soil conservation district pursuant to this division is subject to call for emergency use in fire, storm, flood or disaster by a federal or state agency, a county, city, or district of this State.

Charges

9056. The charge made to districts by the commission for repayment of each unit of equipment and the charges for services rendered to or by the districts in transporting, servicing, repairing, maintaining and housing equipment shall be sufficient to return to the commission sufficient revenue to provide for the replacement of all equipment as such replacement becomes necessary, to cover all costs of the commission in supervising, maintaining and operating such equipment, and to cover the costs of administration of the provisions of this article, it being the intent that the operations of the commission pursuant to this article shall be self-supporting. There shall be an equipment supervisor responsible to the commission in charge of all equipment purchased by the commission and sold to the districts for the purpose of supervising the maintenance and use of such equipment as long as the commission holds any equity in the equipment. The equipment supervisor shall further be charged with checking and reporting upon, at least once each six months, all equipment which it finds to be improperly operated, cared for or used or which is in default of payment. If such use or default cannot be satisfactorily corrected after due notification to the district by the commission, the latter may take possession of the equipment in the name of the State.

Rates

9057. The commission shall establish individual rates for the sale of all units or complements of equipment, subject to approval by the Department of Finance.

Chapter 3. Soil Conservation Districts

Article 1. Lands Included

Formation of district

9060. A soil conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

Lands included

9061. The lands included in a district shall be those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock, but other lands may be included in a district if necessary for the control of runoff, the prevention or control of soil erosion, the development or distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

Same

9062. The lands included in any one district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development or distribution of water, or land improvement. No lands may be included in more than one district.

Same

9063. The lands included in any one district may be situated in one or more counties.

Same

9064. The lands included in a district may be publicly owned or privately owned.

Article 1.5. Investigation of Proposals

Submission of proposals

9070. Any proposal for the formation of a new district shall be submitted to the board of supervisors of the county in which all or the greatest portion of the land of the proposed district is situated.

Investigation

9071. The board of supervisors first shall request the commission to investigate the proposal for a new district, particularly with reference to the location of boundaries and the practicability and feasibility for effecting a soil and water conservation program within the provisions of this division.

Report

9072. The commission shall make the requested investigation and report thereon as soon as practicable.

Submission to boundary commission

9073. Upon receipt of the report of the state soil conservation commission the board of supervisors shall submit the proposal for the new district to the county boundary commission of each county in which any part of the district is to be located.

Hearing

9074. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or a majority of the members of the county boundary commission, a hearing would be in the public interest.

Comparing boundaries

9075. In considering such a proposal, the county boundary commission shall compare the proposed boundaries of the district with those of soil conservation and other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest.

Report

9076. Within 30 days after the submission of such proposal, the county boundary commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors to which the proposal was submitted and a copy furnished to the proponents of the proposed district and to the State Soil Conservation Commission.

Consideration by supervisors

9077. Within 30 days after receiving the report of the county boundary commission on such proposal, the board of supervisors shall consider the matter and advise the proponents in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are

satisfactory shall be accompanied by copies of the report from the county boundary commission and the State Soil Conservation Commission A copy of the board's determination shall be sent to the county boundary commission and the State Soil Conservation Commission

Modifications

9078. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of supervisors and may make any modifications recommended.

Reconsideration of proposed boundaries

9079. If the proponents decline to accept any recommendations for modification specified by the county boundary commission and the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents and notify the proponents as to whether the boundaries are or are not acceptable to the board of supervisors. A copy of the statement of reasons shall also be sent to the county boundary commission and the State Soil Conservation Commission by the proponents.

Petition to form new district

9080. If the county boundary commission and the board of supervisors in their reports find that the proposed boundaries are satisfactory or if the board of supervisors upon reconsideration finds the boundaries acceptable, the proponents may circulate a petition to form a new district. If the proposed boundaries are not acceptable and differences cannot be adjusted, the supervisors may, if a district is deemed in the public interest, set the boundaries and the proponents may proceed with the petition.

Article 2. Petition

Petition for organization of a district

9083. A petition for the organization of a district shall be presented to the board of supervisors of the county in which is situated all or the greatest portion of the land in the proposed district.

Contents

9084. The petition shall describe the boundaries of the proposed district and shall propose a name for the district. The number of directors to be elected or appointed to govern the district shall be five (5).

Signatures

9085 The petition shall be signed and valid by either of the following:

(a) Not less than 100 landowners or 51 percent if there are less than 200 landowners in the proposed area;

(b) If 51 percent of the total landowners owning 51 percent of the private lands within the proposed district sign the petition, and if at the hearing as provided in Article 3 of this chapter the board of supervisors finds it is in the public interest and welfare to form such a district, it may, by an order entered on its minutes, declare that to be its finding, and may further declare and order that the territory within the boundaries fixed by the board shall be organized as a district and declared duly formed without election. The order shall

name the district and appoint the first board of directors; said board of directors shall then proceed to organize and shall be governed by all the rest of the provisions of this act.

Number of acres

9086. The petition shall state the approximate number of acres calculated to be in the proposed district and the approximate number of acres for which each signer signs as owner.

Affidavits

9087. The petition may be comprised of sections which shall be identical except as to signatures and acreages. Each paper in the petition which bears signatures shall have attached thereto an affidavit of a qualified elector that he saw written the signatures thereon and each was written by the person whose signature it purports to be.

Proxies

9088. The proxies shall accompany the petition or appropriate section thereof.

Statement of title

9089. If a signer is other than the person to whom the land for which he purports to sign is assessed according to the assessment records of the county in which the land is situated, the petition or appropriate section shall be accompanied by a statement of the signer as to the source of his title.

Presentation of petition

9090. The petition shall be presented to the clerk of the board of supervisors of the principal county.

Submission to assessors

9091. The clerk shall submit the petition and any accompanying papers to the assessor for examination. If the proposed district lies in more than one county the clerk shall submit appropriate sections to the assessors of the several counties, or submit the entire petition to the several assessors successively.

Comparing names

9092. Upon receipt of the petition and any accompanying papers each assessor shall compare the names signed thereto with the names of landowners in the district according to the assessment records and evidence of title available to him.

Certification

9093. The assessor shall certify to the clerk of the principal county all of the following:

(a) The total acreage of the proposed district situated in his county.

(b) The total number of persons who are owners of land and acreage owned in the proposed district and in his county according to the assessment records and to evidence of title available to him.

(c) The total number of acres in the proposed district in his county owned by the United States, this State, any public district, or any city or county.

(d) The number of persons the names of whom are signed to the petition who are owners of land in the district and in his county, and, if necessary, the total number of acres of land owned by the persons who have so signed the petition.

Presentation to board of supervisors

9094. Upon the completion of certification by the assessor or assessors the clerk shall present the petition to the board of supervisors of the principal county at its next regular meeting or at any special meeting called prior thereto.

Passing on petition

9095. The board shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall establish the finding of fact that the

petition is signed by the required number of landowners, and that the boundary as described in the petition is acceptable to the board of supervisors.

Deferring action

9096. If the boundary as described in the petition does not conform with the recommendations of the board of supervisors, or if the petition is found to be insufficient, the board shall defer action on the petition and request reconsideration of the proposal by the proponents.

Denial of petition

9097. If the proponents cannot correct the insufficiencies of the petition or rectify the boundary discrepancies within 60 days the board shall deny the petition.

Article 3. Hearing

Hearing

9100. If the petition is found to be sufficient, the board shall set a time and place for a public hearing on the petition.

Notice

9101. Notice of the time and place of hearing shall be given by publication in a newspaper of general circulation published in each of the counties in which some part of the proposed district is situated. The cost of publication of the notice shall be paid by the principal county and is a county charge.

Same

9102. The published notice shall state that the petition has been received and will be heard at the time and place specified in the notice or at such time and place to which the hearing may be adjourned. The published notice shall set forth the petition in full with accompanying signatures; or it shall describe the petition and the location of the proposed district in general terms and refer to the petition on file with the clerk of the board for further particulars.

Same

9103. The notice of the hearing shall be published at least once a week for two successive weeks in a newspaper of general circulation in the principal county and also in some newspaper of general circulation in each county in which a part of the proposed district lies.

Final adjustments

9104. Following this hearing the board will make such final adjustments between district boundaries and changes in district names as are considered to be in the public's interest. As to those districts which include areas in adjoining counties, the final determination of boundaries shall be made by the board of the principal county upon agreement with the board of any such other county.

Testimony, evidence

9105. At the hearing the board shall hear and consider all relevant testimony and evidence in support of or in opposition to the petition. The hearing may be adjourned from time to time and from place to place.

Denial of petition

9108. If, after hearing, the board finds from all the evidence that the formation of the district would not be in the public interest it shall deny the petition.

Granting petition

9109. If, after hearing, the board finds that the formation of the district would be in furtherance of soil conservation and in the public interest the board shall determine the boundaries of the district and grant the petition.

Fixing boundaries

9110. In fixing the boundaries the board may include all lands not within the boundaries set forth in the petition the inclusion of which has been requested by the owner.

Same

9111. The board shall exclude from the boundaries of the district or from within the district such lands as the owner thereof has requested to be excluded.

Same

9112. In its final determination of the boundaries the board shall not include within the district any land which, in the opinion of the board, will not be benefited by such inclusion.

Final determination

9113. The determination of the boundaries of a district by the board shall be final.

Naming district

9114. After the boundaries are established and the petition granted, the board shall make and enter an order to that effect, which shall describe the boundaries, designate a name for the district.

Article 4. Election on Formation and of First Directors

Election

9120. Upon the making of an order granting a petition for formation and establishing the boundaries of a district the board shall forthwith call an election in the district upon the question of formation of the district and for the election of the first board of directors of the district, excepting those districts formed under Section 9085, subsection (b), of this code. However, if a general election is to be held within 60 days, the election shall be held at the time of the general election.

Directors

9121. Directors shall be elected at large and each shall be an owner of land in the district.

Nominations

9122. Candidates for office of director shall be nominated at least 10 days prior to the date of election.

Same

9123. Nomination of candidates shall be in writing and signed by at least five qualified electors residing within the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

Notice

9124 Notice of election shall be given at least 15 days prior to the election.

Same

9125. The notice shall describe the boundaries of the district as established by the board, designate the name of the proposed district; and specify the number of directors.

Same

9126. Notice of election shall be published in a newspaper of general circulation published in the principal county and, if a portion of the district lies in any other county, also in a newspaper of general circulation published in such other county. The cost of publication of the notice in the principal county shall be paid by the principal county and shall be a county charge. The cost of publication of notice in any other county shall be paid by such other county and shall be a county charge.

Same

9127. If the notice is published in a weekly newspaper it shall appear on at least three different days prior to the day of election, and the first publication shall be at least 15 days prior to the election.

Same

9128. If the notice is published in a newspaper published more often than once a week it shall appear on three different days prior to the election, the first publication shall be at least 15 days prior to the election, and there shall be at least five days between the days of publication. In computing the five-day period both the first and last days shall be included.

Precincts, polling places

9129. The board shall establish a convenient number of precincts, define their boundaries, and designate a polling place in each.

Ballots

9130 The county clerk of any county in which an election under this division is to be held, may provide separate ballots for such election. The separate ballots shall be sufficient if they conform to the requirements of this division and they need not conform to the provisions of the Elections Code relating to the form of ballots.

Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general soil conservation district elections, except that the board of supervisors shall act in place of the directors and the clerk of the board in place of the secretary of the directors.

Law applicable

9131. Except as otherwise provided, the general election laws shall apply to elections under this article.

Irregularities Effect

9132. No irregularity or informality shall invalidate any election under this article or the result thereof if notice has been given substantially as provided in this article and the election is fairly conducted.

Ballots

9133. On the ballots at such election shall be printed a proposition substantially as follows: "Shall the proposed _____ soil conservation district be organized?" followed by the words "yes" and "no," with voting space thereafter, together with the names of the candidates for directors.

Candidates' names

9134. The names of candidates for director shall be arranged alphabetically with a voting square after each. Above the names of the candidates shall appear the words "Vote for _____ (inserting the proper number)." Blank spaces shall be provided below the printed names of candidates wherein electors may write in names of persons whose names are not printed on the ballot and vote for them for directors.

Qualified electors

9135. Any qualified elector residing in the district may vote at an election under this article.

Canvass

9136. The board of supervisors of each county in which a part of the district is situated shall meet on the second Monday following the election and canvass the votes. The results of the canvass of the votes of each county shall be certified to the board of the principal county.

Completed organization

9137. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a soil conservation district under the name designated. The organization of the district is complete when the order is entered on the minutes of the board.

Lost election

9138. If it appears that the majority of all of the votes cast are against the formation of the district the board shall declare the election lost.

Canvass

9139. If the majority is in favor of the formation of the district the board shall canvass the returns of the election for directors. The board shall determine the persons receiving the highest number of votes to the number required to fill the offices. A tie vote upon which election depends shall be decided by lot. Upon the ascertainment of the persons elected the board shall, by an order entered in its minutes, declare them duly elected. Certificates of election shall be issued to the elected directors by the clerk of the board.

Contested election

9140. An election under this article may be contested by any landowner in the proposed district.

Same Time

9141. Such contest shall be brought within 20 days after the canvass of the vote and declaration of the result by the board of supervisors.

Same: Parties

9142. The directors elected at the election shall be the parties defendant in the contest.

Same Court

9143. The contest shall be brought in the superior court in the principal county and if more than one contest as to the same election is pending they shall be consolidated and tried together.

Same Trial

9144. The court shall speedily try the contest and determine whether the election was fairly conducted and in substantial compliance with the requirements of this division and shall enter judgment accordingly.

Appeal

9145. Either party may appeal from such judgment and such appeal shall be given the same preference as other contested election cases in the Supreme Court and in the district court of appeal when transferred thereto.

Article 5. Proceedings Supplemental to Organization

Copy of order

9150. The board of supervisors of the principal county shall, within 10 days after the entry of an order declaring a district organized, cause a certified copy of the order to be filed for record in the office of the county recorder of each county in which any portion of the district is situated.

Same

9151. The board shall also forward certified copies of said order to the State Soil Conservation Commission, the Secretary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

Lands within established district

9152. No board of supervisors of any county in which any part of the lands embraced within a district is situated shall allow another soil conservation district to be formed which includes any portion of the lands within an existing district.

Article 6. District Directors

Taking office

9160. The directors first elected shall take office immediately upon qualifying.

Oath

9161. Each director shall take the oath of office.

Compensation

9162. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for such necessary expenses, but no director shall be appointed to any position for which he would receive compensation as a salaried officer or employee of the district.

Prohibitions

9163. No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district.

Classification

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the first Tuesday in March of the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which the meeting is held.

President

9165. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

Secretary

9166. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

Bonds

9167. The president and secretary shall each give a bond in the sum of two thousand dollars ($2,000) for the faithful performance of his duties.

Same

9167.5. The bonds shall be recorded in the office of the county recorder of the principal county and filed with the county clerk of that county.

Same

9167 6. The bonds shall be in the form prescribed for bonds of county officers and the premiums on the bonds shall be paid by the district.

Monthly meeting

9168. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held.

Meetings

9169. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after the publication of a notice of the change in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any portion of the district lies.

Special meetings

9170 Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

Same

9171. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in

which case matters not specified may be considered by unanimous consent and acted upon.

Quorum

9172. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

Public meetings

9173. All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

Directors Term of office

9174. The term of office of directors, except those first elected shall be four years. The expiration of the term of any director shall not constitute a vacancy and he shall hold office until his successor has qualified.

Resignations

9175. Resignations of directors shall be made in writing to the board of supervisors of the principal county.

Vacancies

9176. In case of a vacancy in the office of director it shall be filled by appointment for the unexpired term by the board of supervisors of the principal county.

Article 7. General District Elections

Biennial elections

9200. An election to be known as the general soil conservation district election shall be held in each district on the second Tuesday after the first Monday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of office expires in March thereafter.

Nominations

9201. Not less than 30 days prior to the election, any five or more electors in the district may file with the board of supervisors of the county in which is situated all or the greatest portion of the land in the district a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district.

Withdrawals of candidates

9202. Any candidate nominated for director may withdraw his name within five days after nominations officially close. When a candidate withdraws his name within the time specified above, his name shall not be printed on the ballot.

Conducting of election

9203. The election shall be conducted by the board of supervisors and county clerk of the county in which is situated all or the greatest portion of the land in the district, the votes cast, and returns made to such board as nearly as practicable in conformity with the general election laws of this State, including but not limited to those relating to local elections, except that the register used may be that prepared for any other election, and except as otherwise provided.

Noncontested elections

9204. If on the twentieth day prior to the day fixed for the general soil conservation district election it appears that one person but not more than one, has been nominated for each of the positions of director, which are to be filled at that election and a petition, signed by 5 percent of the qualified electors in the district requesting that the general soil conservation district

election in the district be held, has not been presented to the board of directors of the district, an election shall not be held, but the board of supervisors of the county in which the district is situated, or the board of supervisors of the principal county at a regular, adjourned, or special meeting held prior to the day fixed for said election shall appoint to the said position those persons who have been nominated for such positions. The said persons shall qualify and take office and serve exactly as if elected at a general soil conservation district election.

In such instances a notice that no election is to be held but that the board of supervisors will appoint those nominated for the said positions of director, shall be published at least 10 days prior to the date upon which said election would have been held.

Canvass

9205. The board of supervisors of the county in which is situated all or the greatest portion of the land in the district shall canvass the returns of the election.

Precincts

9206. Such board of supervisors shall provide for the appointment of precinct boards and the formation of precincts for such elections, and shall pay the expenses of the election. Such county clerk shall furnish each precinct board with a map showing the boundaries of the district.

Eligible voters

9207. Any qualified elector residing in the district may vote at an election under this article.

Certified statement

9208. The county clerk of the county in which is situated all or the greatest portion of the land in the district as soon as the result is declared shall certify to the district for its records a statement of the result which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate.

Certificate of election

9209. Such county clerk shall immediately make out, sign, and deliver to each person elected a certificate of election.

Contested elections

9210. The election of any director may be contested on the grounds and in the manner provided by the Elections Code for contests at general elections.

Oath, bonds, etc

9211. The directors elected shall qualify within 20 days after receiving their certificates of election by taking the oath. The president and the secretary of the board shall file an official bond in the sum of two thousand dollars ($2,000) approved by a judge of the superior court of the principal county. The premiums on such bonds shall be paid by the district.

Taking office

9212. The directors so elected and qualified shall take office at noon on the first Tuesday in March next following their election.

Article 8. General Powers of District

Powers of directors

9250. The board of directors of a district shall manage and conduct the business and affairs of the district.

General

9252. The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.

studies and the carrying out of projects of joint interest to the districts participating therein.

Legal advice

9265. The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors may call upon him for such legal advice and assistance.

Article 9. Property of District

Property 9253. The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district.

Conveyances, etc. 9254. The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.

Suits 9255. The directors may sue and be sued in the name of the district and may appear in person or by counsel.

Cooperation 9256. The directors may cooperate and enter into contracts or agreements with the State, the United States, any county, any other soil conservation or other public district in this State, any person, or the commission, in furtherance of the provisions of this division, and to that end may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

Improvements 9257. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, and water conservation and distribution, including but not limited to terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

Operation 9258. The directors may operate and maintain, inde-

Sale proceeds 9274. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

Article 10. Inclusion of Lands

Inclusion proposal 9280. A proposal for the inclusion of additional lands in a district shall be submitted to the board of directors of the district.

Investigation 9281. Upon receipt of a proposal for the inclusion of additional land, the board of directors shall first request the commission to investigate the proposal, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil and water conservation program of the district in the proposed addition.

Report 9282. The commission shall make the requested investigation and report thereon to the board of directors as soon as practicable.

Submission of proposal to counties 9283. Upon receipt of the report, the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

Hearings 9284. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or of a majority of the members of the county boundary commission, a hearing would be in the public interest.

Consideration 9285. In considering the proposal the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to public interest.

Report 9286. Within 30 days after the submission of such a pro-

9262. The directors may take over, by purchase, lease, or gift, and administer any soil-conservation, water conservation, water distribution, erosion-control, or erosion-prevention project located within the district undertaken by the United States or any of its agencies, or by this State or any of its agencies. Purchase, etc., of projects

9263. The directors may manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil-conservation, water conservation, water distribution, erosion-control, or erosion-prevention project within the district; and may act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within the district. Management of projects

9264. The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands. Cropping, etc., standards

9264.5. The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of soil conservation districts may be organized to facilitate such cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein. Cooperation

9265. The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors may call upon him for such legal advice and assistance. Legal advice

Article 9. Property of District

9270. The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division. Title to property

9271. The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article. Acquiring, etc., property

9272. The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property. Selling, etc., property

9273. A sale or conveyance of any property held by a soil conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed. Conveyance

Sale proceeds

9274. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

Article 10. Inclusion of Lands

Inclusion proposal

9280. A proposal for the inclusion of additional lands in a district shall be submitted to the board of directors of the district.

Investigation

9281. Upon receipt of a proposal for the inclusion of additional land, the board of directors shall first request the commission to investigate the proposal, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil and water conservation program of the district in the proposed addition.

Report

9282. The commission shall make the requested investigation and report thereon to the board of directors as soon as practicable.

Submission of proposal to counties

9283. Upon receipt of the report, the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

Hearings

9284. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or of a majority of the members of the county boundary commission, a hearing would be in the public interest.

Consideration

9285. In considering the proposal the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to public interest.

Report

9286. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of directors of the district and a copy furnished to the proponents of the proposed inclusion and to the State Soil Conservation Commission.

Recommendations

9287. Within 30 days after receiving the report of the county boundary commission, the board of directors shall consider the matter and advise the proponents in writing of any changes of the proposed boundaries believed to be in the public interest. The recommendations of the board of directors or its finding that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission and the State Soil Conservation Commission. A copy of the board of directors' determination shall be sent to the county boundary commission and the State Soil Conservation Commission.

Modifications

9288. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commis-

sion and the board of directors and may make any modifications recommended.

Reconsideration

9289. If the proponents decline to accept any recommendations for modification specified by the county boundary commission and the board of directors and file a statement of reasons therefor, the board of directors shall, within 10 days, reconsider the boundaries proposed by the proponents as to whether or not the boundaries are or are not acceptable to the board of directors. A copy of the statement of reasons shall also be sent to the county boundary commission and to the State Soil Conservation Commission by the proponents.

Petition to include additional land

9290. If the county boundary commission and the board of directors in their reports find the proposed boundaries are satisfactory, or if the board of directors upon reconsideration finds the boundaries acceptable, the proponents of the proposal may circulate and file with the directors a petition requesting the directors to include the additional land.

Petition signatures

9291. The petition shall be signed by a majority of the landowners of the additional land who own more than one-half of the total acreage thereof.

Computing acreage

9292. In computing the percentage of acreage, land of the United States, this State, any public district, or any city or county shall be excluded.

Including public lands

9293. Any state or federal officer, agency, or other instrumentality in charge of any public land, if authorized to do so, may request the directors to include such land within the district.

Boundary descriptions

9294. The petition shall describe the boundaries of the tract proposed to be included.

Sufficiency of petition

9295. The board of directors shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall determine whether or not the petition is signed by the required number of landowners owning the required acreage, and whether or not the proposed boundaries as described in the petition are acceptable to it. If the directors find that the petition is sufficient, they shall approve the petition and make an order to that effect.

Insufficient petitions

9296. If the petition is found to be insufficient, the board of directors shall defer action on the petition and request that the proponents correct the insufficiencies.

Same

9297. If the proponents cannot correct the insufficiencies of the petition within 60 days the board of directors shall deny the petition.

Hearing

9298. Upon the making of an order approving the petition, the directors shall fix a time and place of hearing on the petition, and shall cause notice of the hearing to be published in the manner and for the time provided for publication of notice of hearing on formation of the district.

Notice

9299. The notice shall state the purpose of the petition, the time and place of hearing, and describe the boundaries of the tract or tracts proposed to be included in the district. The notice shall state that the report of the commission is favorable

and shall notify all interested persons to appear at the hearing and state their objections.

Time of hearing

9300. The time of hearing shall be the time of the next regular meeting of the directors following the expiration of the time required for publication of the notice. The place of hearing shall be the place of regular meeting of the directors.

Hearing

9301. The directors shall hear the petition and objections thereto at the time and place specified or at such other time or place to which the directors may adjourn the hearing.

Request land inclusion or exclusion

9302. Any person may request in writing or appear and ask that his lands be excluded from the proposed addition to the district. Any person may request in writing or appear and ask that his lands be included if those lands be outside of but within the general area of the proposed addition to the district.

Action

9303. The directors shall grant such exclusions and may grant such additions to the proposed addition to the district as are requested, and which, in the opinion of the board, will be of general benefit.

Change of boundaries

9304. If the petition is granted the directors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

New boundaries

9305. From and after the entry of the order in the minutes of the directors the district with its new boundaries constitutes the district for all purposes.

Inclusion of tracts

9306. In addition to the authority granted in Section 9290 to request the inclusion of a tract in the district, 25 percent of the landowners of any tract of land, who own 50 percent or more of the total acreage of the tract, may petition the board of supervisors of the principal county requesting the inclusion of the tract in the district. The petition shall describe the boundaries of the tract proposed to be included.

Supervisors acting in lieu of directors

9307. The provisions of Sections 9280 to 9303, inclusive, shall apply whenever a proposal and petition is presented pursuant to Section 9306, except that the board of supervisors shall act in the place of the directors.

Inclusion of land

9308. If the board of supervisors determines that the inclusion of the lands sought to be included is for the best interests of the district and will be of benefit to the lands included, the board shall approve the petition and transmit it and a copy of the resolution of approval to the directors.

Special election

9309. Upon receipt of the approved petition from the board of supervisors, the board of directors shall call a special election or include their proposal in a general election if such general election is to be held within 60 days in the area proposed to be included on the question of inclusion.

Propositions

9310. At the special election, the proposition voted upon shall be "For inclusion of lands" and "Against inclusion of lands" or words equivalent thereto. The election shall other-

wise be noticed and held to conform to the provisions relating to the elections on formation.

Notice

9311. The notice of the election shall describe the lands sought to be included.

Voters

9312. Any elector residing in the area proposed to be included may vote at an election on the inclusion thereof. If a majority of votes cast are against inclusion, the board of directors shall deny the petition. If the majority of the votes cast are in favor of inclusion the board of directors shall grant the petition.

Granted petition

9313. If the petition is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

Constituted district

9314. From and after the entry of the order in the minutes of the board of directors the district with its new boundaries constitutes the district for all purposes.

Article 11. Dissolution

Dissolution

9320. A district may be dissolved by the board of supervisors of the principal county as provided in this article.

Petition

9321. A petition requesting dissolution of a district and signed by not less than 100 landowners of the district, or 51 percent if there are less than 200 landowners in the district, may be presented to the board.

Sufficiency

9322. The board shall determine the sufficiency of the petition and may refer it for certification to the assessor or assessors, who shall certify it in the manner provided for in proceedings on organization.

Insufficiency

9323. If the board determines that the petition is insufficient it shall deny it. Otherwise it shall fix a time and place for hearing on the petition.

Notice of hearing

9324. If the petition is found sufficient, the board shall cause to be published a notice of the time and place of hearing on the petition. The time of hearing shall be the time of the next regular meeting of the board after the completion of publication of the notice and the date shall be specified in the notice.

Same

9325. The notice shall be published at least once a week for two successive weeks in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.

Informing commission

9326. The board shall transmit to the commission a notice of the receipt of the petition and a copy of the notice of hearing on the petition. The commission shall advise the board as to the judgment of the commission regarding the proposed dissolution.

Hearing

9327. At the hearing the board shall hear and consider all evidence and testimony in favor of or in opposition to dissolution, and shall consider the advice of the commission.

Petition denial

9328. If the board denies the petition its action is final.

Dissolution election

9329. If the board does not deny the petition it shall cause an election to be held in the district on the question of dissolution. The election shall be noticed, conducted, and the results determined in the manner provided for elections on formation of districts, except that the ballot shall contain the propositions "For dissolution of district" and "Against dissolution of district" or words equivalent thereto.

Voters

9330. Any qualified elector residing in the district may vote at an election under this article.

Requisite votes

9331. If at the election less than 51 percent of the votes cast are in favor of dissolution the board shall declare the election lost and enter an order to that effect and denying the petition.

Same

9332. If at the election 51 percent or more of the votes cast are in favor of dissolution the board shall make and enter an order declaring the district dissolved and thereupon the district is dissolved.

Dissolution

9333. The board of supervisors of the principal county shall wind up the affairs of a dissolved district and may do anything necessary to accomplish that purpose.

Obligations

9334. If, upon dissolution, there are any outstanding obligations of the district the board of supervisors of the principal county shall determine the amount of the assessments required to be levied to pay such outstanding obligations. The board of supervisors of each county in which any part of the district lies shall levy assessments sufficient to pay the outstanding obligations.

Property disposal

9335. Upon the completion of the winding up of the affairs of a district the real property of a district shall become the property of the county in which it is situated. The personal property belonging to the district shall be sold by the board of supervisors of the principal county and the proceeds of such sale and any other money of the district remaining after the payment of all of the obligations of the district shall be paid to the general funds of each of the counties in which any part of the district lies in the proportion which the assessed value of the land in the county bears to the total assessed value of all of the land within the district as determined by the assessment rolls.

Chapter 4. District Finance

Article 1. Regular Assessments

Estimate

9350. The directors, on or before the fifteenth day of August of each year, shall furnish the auditor and the board of supervisors an estimate in writing of the amount of money to be raised by assessment which is needed for the purposes of the district for the next ensuing fiscal year.

Determination of value

9351. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county.

The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

Sufficiency

9352. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

Regular assessments

9353. Assessments levied pursuant to this article shall be known as regular assessments.

Valuation

9354. The regular assessment in any one year shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation of the land, exclusive of improvements and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights are involved.

Levy

9355. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements and mineral rights, within the county and within the district to be known as the "_____ (name of district) soil conservation district assessment," sufficient to raise the amount reported to them in the estimate of the directors

Rate

9356. The board shall determine the rate of assessment by deducting 15 percent for anticipated delinquencies from the total assessed value of the land in the district and in the county and then dividing the sum required to be raised by the remainder of the total assessed value. If a fraction of a cent occurs in a valuation of one hundred dollars ($100) it shall be taken as a full cent.

Failure to levy

9357. If the board fails to levy the assessment the auditor of the county shall do so, providing the directors have requested the assessment.

Entry on roll

9358. The assessment shall be computed and entered on the assessment roll by the auditor.

Incorporated provisions

9359. The provisions of law relating to the levy and collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

Payments to principal county treasurer

9360. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the

treasurer of the principal county all money belonging to the district and in their possession.

Use of general funds

9361. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

Article 2. District Fiscal Procedure

Depository of funds

9400. The treasury of the principal county is the depository of all of the funds of the district.

Same

9401. The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him.

Warrants

9402. The treasurer shall pay out money of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary.

Financial reports

9403. The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary.

Incurring liabilities

9404. The directors or other officers or employees of a district shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Except, however, that nothing in this section shall prevent the directors from borrowing from such federal, state, county, public or private funds which are, or which may in the future become, available to the directors for the furthering of the work of the district in any manner or by the sale of bonds payable solely from any revenue of the district, if the assets acquired by such a loan or bond constitute the entire security for the loan or bond and if no indebtedness or liability is incurred by the directors in excess of the amount of the assets acquired.

Revenue bonds

Annual financial statement

9405. The directors at their regular monthly meeting in January of each year shall make and file with the secretary a

verified statement of the financial condition of the district showing particularly the receipts and disbursements of the preceding calendar year together with the source of the receipts and the purposes of the disbursements.

Publication

9406. The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published at least once a week for two successive weeks in a newspaper of general circulation in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.

CHAPTER 5. CONSOLIDATION OF DISTRICTS

Consolidation

9500. Any two or more contiguous districts, or districts situate within the same geophysical area, organized under this division may consolidate in the manner prescribed in this chapter.

Petition

9501. When the board of directors finds it to the best interest of the district that it be consolidated with one or more other districts organized under this division, it may, and when a petition for consolidation is filed with the board of directors signed by the same number of petitioners representing the same amount of land, if any, as is required for the petition of organization of a district, it shall, pass a resolution reciting its finding or receipt of the petition, as the case may be.

Forwarding copies

9502. A copy of the resolution shall be forwarded to the board of supervisors of the principal county of the district, to the board of directors of each of the other districts with which consolidation is proposed, to the board of supervisors of the principal county in each of the other districts with which consolidation is proposed is situated, and to the commission.

Special election

9503. If the board of directors of each of the districts with which consolidation is proposed adopts a resolution declaring its willingness to consolidate, or reciting the filing of a petition for consolidation, and forwards copies of the resolution as provided in Section 9502, the board of supervisors of the county in which all or the greatest portion of the lands of the proposed consolidated district are situated, shall call a special election at which there shall be submitted to the qualified electors of the districts proposed to be consolidated the question whether or not the districts shall be consolidated.

Election of directors

9504. At the election there shall be elected five directors of the consolidated district who shall so serve if the consolidation is approved at the election.

Same Procedure

9505. Directors shall be nominated and the election conducted as nearly as practicable in conformity with the provision of this division relating to the formation of districts.

Canvass

9506. The board of supervisors of each county shall canvass the returns of the election and certify the results to the board of supervisors of the county in which is situated all or the greatest portion of the lands of the proposed consolidated district.

Name

9507. If a majority of the votes cast in each district is in favor of consolidation, the board of supervisors of the county in which all or the greatest portion of the lands of the proposed consolidated district is situated shall declare by resolution entered on its minutes that the districts are consolidated into one district, and give it a name.

Filing of resolution

9508. The board of supervisors shall cause the certified copy of the resolution of consolidation to be recorded in the office of the county recorder of each of the counties in which any portion of the consolidated district is situated and shall file a certified copy of the resolution with the commission and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the districts consolidated. From and after the filing of the resolution with the Secretary of State, the consolidated district will be deemed formed as a single district, with all of the rights, privileges and powers of a district.

Certificate of election

9509. The county clerk of the county in which is situated the greatest portion of the consolidated district shall, upon their election, execute and deliver to each person elected as a director of the consolidated district a certificate of election.

Oath of office

9510. The directors elected at the consolidation election shall qualify by taking the oath of office. The directors so elected and qualified shall take office and organize themselves as a board of directors in the manner prescribed for organization of directors of newly formed districts.

Winding up old districts

9511. Within 30 days of the filing of the resolution of consolidation with the Secretary of State, the board of directors of each of the districts consolidated shall hold a final meeting to wind up the affairs of their respective districts and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted, or assigned to the consolidated district. At the adjournment of the final meeting, the district shall cease to exist.

CHAPTER 6. CHANGING NAME OF DISTRICT

Name changing

9600. A district may change its name by action of the board of supervisors of the principal county as provided by this article.

Resolution

9601. Whenever in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, it may pass a resolution reciting such fact.

Request to supervisors

9602. A copy of the resolution shall be forwarded to the board of supervisors of the principal county with the request that the name of the district be changed to the stated name.

Consideration of request
9603. The board of supervisors of the principal county shall consider this request at their next regular meeting and may grant or deny the request. Their action shall be officially recorded in their minutes.

Negative action
9604. If the action of the board of supervisors on this request is negative, they shall forward a copy of the resolution to the board of directors initiating the request.

Favorable action
9605. If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors of all the other counties in which any portion of the district lies, the State Soil Conservation Commission, and the Secretary of State.

Acknowledgment by Secretary of State
9606. On acknowledgment of the change of name by the Secretary of State, the name of the district shall be considered changed.

Chapter 7. Transferring Lands From One District to Another

Land transfers
9700. One district may transfer land within its boundaries to a district contiguous thereto in the manner prescribed in this chapter.

Proposal to supervisors
9701. The proposal for the transfer of land from one district to another shall be submitted to the board of supervisors of the county in which all or the greatest portion of the land proposed to be transferred is situated

Commission investigation
9702. The board of supervisors shall first request the commission to investigate the proposal particularly with reference to the location for boundaries and the practicability and feasibility for effecting a soil and water conservation program of those lands proposed to be transferred.

Same
9703. The commission shall make the requested investigation and report to the board of supervisors thereon as soon as practicable.

Same
9704. Upon receipt of the report the board of supervisors shall submit the proposal to the county boundary commission of each county in which land to be transferred is located.

Hearing
9705. The county boundary commission shall consider the proposal and hold a public hearing with respect thereto if one is requested, and if, in the discretion of the chairman or a majority of the members of the county boundary commission, a hearing would be in the public interest.

Considerations
9706. In considering the proposal, the county boundary commission shall compare the boundaries as proposed to be changed with the boundaries of soil conservation and other districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest.

Boundary commission report

9707. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors and a copy furnished to the proponents of the proposal, the district affected, and the soil conservation commission.

Recommendations

9708. Within 30 days after receiving the report of the county boundary commission, the board of supervisors shall consider the proposal and advise the proponents thereof in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its findings that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission and the state soil conservation commission. A copy of the board of supervisors' determination shall be sent to the county boundary commission and the soil conservation commission.

Modifications

9709. Upon receipt of the report, the proponents shall consider the recommendations of the board of supervisors and may make any modifications recommended by the county boundary commission or the board of supervisors.

Reconsideration

9710. If the proponents decline to accept any recommendations or modifications specified by the county boundary commission or the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents as to whether the boundaries are or are not acceptable. A copy of the reasons shall also be sent to the county boundary commission and to the state soil conservation commission by the proponents.

Petition to transfer lands:

9711. If the board of supervisors in its report finds that the proposed boundaries are satisfactory, or if the board of supervisors upon reconsideration finds that the boundaries are acceptable, the proponents may circulate a petition to transfer lands from one district to another.

Submission

9712. The petition for the transfer of lands from one district to another shall be submitted and heard in the manner prescribed in this division for the inclusion of lands in a district, except that the board of supervisors of the county in which all or the greatest portion of the land proposed to be transferred is located shall act in place of the board of directors.

Changing boundaries order

9713. If the petition is granted, the board of supervisors shall make and enter in their minutes an order changing the boundaries of their district. A copy of the order shall be filed with the county recorder of each county in which any portion of the districts affected is situated, and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

Transfer effected

9714. From and after entry of the order on the minutes of the board of supervisors, the land shall be deemed transferred from one district to the other, and shall constitute a part thereof as though it were originally included therein in the formation proceedings.

Outstanding obligations

9715. If, upon the transfer of lands from one district to another there are any outstanding obligations against land because of its being a part of the district from which it was transferred, the board of supervisors of the principal county of the former district shall determine the amount of the assessments required to be levied to pay those obligations and the board of supervisors of each county in which the lands transferred are located shall levy and collect assessments on the lands located therein sufficient to pay the obligations outstanding against that land.

CHAPTER 8. FEDERAL AID PROJECTS

Administration of authorized state plan

9801. In order to carry out the purposes of the Soil Conservation and Domestic Allotment Act enacted by the Congress of the United States, the State Soil Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Soil Conservation and Domestic Allotment Act.

State plan

9802. The commission is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of the Soil Conservation and Domestic Allotment Act, a state plan for each calendar year beginning with the year 1949. It shall be the purpose of each such plan to promote such utilization of land and such farming practices as the commission finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of natural soil resources, and re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of Section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and also for such methods of administration not in conflict with any law of this State and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

Receipt of money

9803. Upon the acceptance of each such plan by the Secretary of Agriculture, the commission is authorized and empowered to accept and receive all grants of money made pursuant to the Soil Conservation and Domestic Allotment Act for the purpose of enabling the State to carry out the provisions of such

plan, and all such funds, together with any moneys which may be appropriated by the State for such purpose, shall be available to the commission for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.

Powers

9804. In carrying out the provisions of each such plan, the commission shall have power: to employ such agents or agencies, and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies and with agencies of other states and of the Federal Government; to conduct research and educational activities in connection with the formulation and operation of such plan; to enter into agreements with producers, and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the commission determines to be fair and reasonable.

Delegation

9805. For the purpose of carrying out each such plan according to its terms, the commission is hereby authorized to delegate any of the powers herein conferred to such agents or agencies as may be designated by the commission and approved by the Secretary of Agriculture.

Annual report

9806. The commission shall render for each year an annual report to the Governor, who shall transmit a copy thereof to each house of the Legislature, covering its administration of such plan and all operations thereunder, including also the expenditure of funds, and each such report shall be printed as a public document promptly upon its transmittal to the Governor.

Liability limitation

9807. Nothing herein shall be construed or operate to impose any obligation or liability upon the commission or other than as herein specified.

Construction

SEC. 3. The Division 9 of the Public Resources Code added by this act, insofar as it is substantially the same as the Division 9 of that code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment.

Current officeholders

SEC. 4. All persons who, at the time this act goes into effect, hold office under the Division 9 of the Public Resources Code repealed by this act, and whose offices are continued by the Division 9 of the Public Resources Code added by this act, shall continue to hold their offices according to the former tenure thereof the same as though the Division 9 of the Public Resources Code repealed by this act had not been repealed.

Actions

SEC. 5. No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed by this act commenced before the effective date of this act, and no right accrued, pursuant to that division, is affected by the provisions of this act, but any step thereafter taken in such action or proceeding shall conform to the provisions of this code so far as possible.

CHAPTER 1647

An act to amend Section 6358 of the Education Code, relating to school district taxes, and to validate elections relating thereto, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 6358 of the Education Code is amended to read:

Maximum tax rate increase, decrease

6358. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be called by the governing board of the school district of its own motion and shall be called within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the qualified electors of the district, requesting that an election be called, unless the petitioners request that the election be consolidated with the annual election for members of the governing board.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 6357. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

The governing board of the school district shall call, hold, and conduct the election. Except as provided in this section, the election shall be called, held, and conducted by the governing board of the school district in as nearly the same manner as is practicable as are elections for governing boards. Notices of the election shall be posted or publication completed at least 30 days before the election. The ballot used in the election shall contain substantially the words "shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the _____ school district for the year (or years) 19___ to 19___,) be authorized?" Opposite such words, in separate lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word. Each voter shall stamp or print a cross in the voting square after the answer he desires to give. If the maximum tax rate of a district has been increased prior to the effective date of the amendment to this section at the 1951 Regular Session of the Legislature, a petition requesting an election for the decrease of such increased tax rate shall not be filed until three years

after such effective date. If the maximum tax rate is increased pursuant to this section after such effective date, no petition requesting an election for a decrease in such increased tax rate shall be filed for one year after such election at which the tax rate was increased.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

Validations of elections

SEC. 2. Elections held between July 1, 1950, and the effective date of this act for the purpose of changing the amount of any increase over the maximum tax rate, after such increase has been authorized pursuant to Section 6358, and changing the purpose for which such excess may be expended are hereby ratified, confirmed, and validated.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It will be necessary for many school districts to hold elections in the months of June, July, and August, 1951, in order to change the maximum tax rate for the district before the next tax levy is made. Under the provisions of this act, a school district may decrease its tax rate, and, if the rate is proposed to be increased, it is not necessary that the ballot question specify the purpose for which the proceeds of any increase are to be applied, nor is it necessary to limit the period of time during which such increase or decrease will be effective. Unless this act takes effect immediately any decrease or increase in the tax rate voted for pursuant to the act will not be effective in time to be used for the next tax levy. In order that school districts, the tax rates of which are a matter of urgent concern to all the people of the State, may take advantage of this act before the next tax levy is made and to avoid a year's delay, it is urgently necessary that this act take effect immediately.

CHAPTER 1648

An act to amend Sections 4618, 4621, 4622, 4988, 5581, and 5588 of, and to add Sections 4624, 4802, 4803, 4995, 4996, 5565, 5602, 5603, and 6655 to, the Health and Safety Code, relating to the powers and bonds of county sanitation and other

sewer districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 4618 of the Health and Safety Code is amended to read:

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be 6 per centum per annum, and shall, after the first principal maturity, be payable semiannually. Maximum interest rate

Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes. In such event the first interest coupons shall be for interest from the date of said bonds to the maturity date of said coupons.

SEC. 2. Section 4621 of said code is amended to read:

4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, and shall be payable in the manner determined by the city governing body, at a place within the United States, to be fixed by the governing body and designated in the bonds, together with the interest on all sums unpaid at that date, until the whole of the indebtedness has been paid. Bonds

SEC. 3. Section 4622 of said code is amended to read:

4622. The bonds shall be issued in such denominations as the governing body determines, except that no bonds shall be of a denomination less than one hundred dollars ($100) nor greater than one thousand dollars ($1,000). Denominations, etc

The bonds shall be signed by any officer of the city, designated for that purpose by the governing body by resolution adopted by a two-thirds vote of all of its members, and shall also be signed by the city treasurer and countersigned by the city clerk.

The coupons of the bonds shall be numbered consecutively and signed by the treasurer.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office.

SEC. 4. Section 4624 is added to said code, to read:

4624. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable. Proceedings to determine right to issue bonds

Wat. C., §20500, ff

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

SEC. 6. Section 4802 is added to said code, to read:

Payment of bonds

4802. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

SEC. 7. Section 4803 is added to said code, to read:

Proceeding to determine right to issue bonds

4803. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

SEC. 8. Section 4988 of said code is amended to read:

Interest

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 6 percent per annum, and shall, after the first principal maturity, be payable semi-annually by coupon.

SEC. 9. Section 4995 is added to said code, to read:

Payment of bonds

4995. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

SEC. 10. Section 4996 is added to said code, to read:

Proceeding to determine right to issue bonds

4996. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

SEC. 11. Section 5565 is added to said code, to read:

Work specifications

5565. Any work recommended to be done in the report approved and adopted by the district board shall be done in conformity with the general plans and specifications contained in

the report unless the district board, by a four-fifths vote, adopts a resolution declaring that the public interest requires a modification of or departure from the plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

SEC. 12. Section 5581 of said code is amended to read:

Modifying resolution

5581. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars

(c) The type of bonds proposed to be issued, whether revenue bonds or general obligation bonds.

(d) The amount of the bonds proposed to be issued.

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the times specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

SEC. 13 Section 5588 of said code is amended to read:

Form of bonds, etc

5588. The district board shall prescribe by resolution the form of the bonds, and interest coupons The bonds shall be payable substantially in the manner determined by the district board, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid.

SEC 14. Section 5602 is added to said code, to read:

Payment of bonds

5602. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

SEC. 15. Section 5603 is added to said code, to read:

Proceeding to determine right to issue bonds

5603. If the result of any election upon the question of the issuance of bonds is in favor of issuance, the board may, in its discretion, commence in the superior court of the county, a special proceeding to determine its right to issue the bonds and their validity, similar to the proceeding in relation to irrigation bonds, provided for by the "Irrigation District Law," and all supplementary acts, and all their provisions apply to and govern the proceedings to be commenced by the board, so far as applicable.

The judgment has the same effect as a judgment in relation to irrigation bonds under the provisions of that act.

SEC. 16. Section 6655 is added to said code, to read:

Payment of bonds

6655. Bonds may be made payable on a date subsequent to the time fixed for the collection of the second installment of general district taxes with which the first levy of taxes for the

payment of the principal and interest of said bonds is to be collected. In such event, the first interest coupons shall be for interest from the date of said bonds of such issue or series or division to the maturity date of said coupons.

Urgency

SEC. 17. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The rapid growth of the population of the State during and since World War II has resulted in increased congestion of people in unincorporated areas which are wholly without adequate sewerage facilities. The State Board of Public Health has found it necessary to require the treatment of sewage before it is deposited in the streams and waters and in the Pacific Ocean. This has resulted in greatly increased numbers and activities of sanitary districts. In order to adequately provide and administer sanitation in such areas, and to cooperate with the State Board of Public Health in carrying out its orders, it is necessary that the laws of sanitary districts be more complete, comprehensive and adequate for such purposes. The provisions of this bill have as their purpose making such laws more comprehensive and it is necessary and urgent that the provisions thereof become law at once.

CHAPTER 1649

An act to amend Section 20045 of the Water Code, relating to certification of bond issues.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 20045 of the Water Code is amended to read:

Bond Limitation

20045. Except as herein provided, no bond issue of any district shall be approved for certification which together with any other outstanding bonds and bonds authorized but not issued of the district exceeds 60 percent of the aggregate value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district and the reasonable value of the land within the district.

The foregoing limitation shall not apply to bond issues payable solely from revenues to be received from the proceeds of a contract with a corporation authorized to do business in this State if in the judgment of the commission the proposed revenues will be adequate to service the proposed bond issue, including any reserve fund requirements.

CHAPTER 1650

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by amending Sections 1, 2, 3, 10, 12, and 15, adding Section 10.5, and repealing Section 8 thereof, relating to the State Board of Chiropractic Examiners and the practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Stats 1923, p lxxxiii, amended

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of seven members, citizens of the State of California, appointed by the Governor. Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

"State Board of Chiropractic Examiners"

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. No more than two persons shall serve simultaneously as members of said board who are residents of any one county of the State. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of thirty dollars ($30) for each day during which he is actually engaged in the discharge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem, traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the State's taxes.

SEC. 1.5. Section 2 of said act is amended to read:

Sec. 2. Within 60 days of the date upon which the latest amendment to this section takes effect, the Governor shall appoint two additional members of the board. Of the members so appointed, one shall be appointed for a term expiring February 10, 1954, and the other for a term expiring February 10, 1955.

Additional members

The terms with respect to members of the board, which terms are in existence on the date the latest amendment to this section takes effect, shall expire as if this section had not been amended, that is, two on February 10, 1953, one on February 10, 1954, and two on February 10, 1955. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

SEC. 2. Section 3 of said act is amended to read:

Organization, etc

Sec. 3. The board shall organize by the election of a president, and a vice president to be chosen from the members of the board, and a secretary, who may, but need not be a member of the board. The board shall fix the salary of the secretary, with the approval of the Director of Finance. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of four members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The secretary shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the State in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Repeal

SEC. 3. Section 8 of said act is hereby repealed.

SEC. 4. Section 10 of said act is amended to read:

Refusal, revocation, etc., of licenses

Sec. 10. (a) The board shall refuse to grant, or may suspend or revoke, a license to practice chiropractic in this State upon any of the following grounds, to wit: the employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license

or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising; or any other act which constitutes unprofessional conduct. The proceedings for the refusal to grant, suspend or revoke a license upon any of the foregoing grounds shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars ($25) upon the issuance of a new license.

(c) All licenses granted under this act shall be renewed annually. The issuance of such renewal licenses shall be contingent upon submission of evidence satisfactory to the board, of the applicant having completed at least 16 hours of postgraduate studies within the previous year.

SEC. 5. Section 10.5 is added to said act, to read:

Employing unlicensed practitioners

Sec. 10.5. The employing directly or indirectly of any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice any system or mode of treating the sick or afflicted, constitutes unprofessional conduct within the meaning of this chapter.

Unprofessional conduct as used in this act is defined as follows:

(a) The procuring, aiding or abetting in the procuring of criminal abortion; the paying for steering patients into one's

office; obtaining a fee on the assurance that a manifestly incurable disease can be made entirely well; the wilful betrayal of professional secrets of a patient to the detriment of such patient; chiropractic advertising which is untrue or misleading; conviction of any offense involving moral turpitude; wilful neglect of a patient in a critical condition.

SEC. 6. Section 12 of said act is amended to read:

Licenses

Sec. 12. Each person practicing chiropractic within this State shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said Board of Chiropractic Examiners a renewal fee of not less than two dollars ($2) nor more than ten dollars ($10) as may be set by the board. The secretary shall, on or before November 1st of each year, mail to all licensed chiropractors in this State a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee during the time his or her license remains in force shall, after a period of 60 days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of twenty-five dollars ($25), except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of 60 days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

Any licentiate serving in the armed forces of the United States shall be exempt from payment of the renewal fee during such period of service and for one year thereafter.

SEC. 7. Section 15 of said act is amended to read:

Use of prefixes

Sec. 15 Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D.C." or any word or title to induce, or tending to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act; or any licensee under this act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor," or "D.C." immediately following his name, or the use of the letters "M.D." or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D.O." or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be

punished by a fine of not less than two hundred dollars ($200) and not more than six hundred dollars ($600), or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or both.

Effective

SEC. 8. Sections 1 to 7, inclusive, of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Submission to electors

SEC. 9. Sections 1 to 7, inclusive, of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Sections 1 to 7, inclusive, of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.

CHAPTER 1651

An act to add Section 3.51 to the World Trade Center Authorities Act, relating to the World Trade Center Authority, and making an appropriation therefor.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 3.51 is added to the World Trade Center Authorities Act, to read:

Member manager, designation and compensation

Sec. 3.51. The members of the authority may designate the chairman as member manager of the authority and such member manager shall receive for his services and promotional purposes such sum or sums as may from time to time be authorized by the authority and approved by the Department of Finance. There shall not be more than a total of 10 percent of the money transferred to the World Trade Center Authority by the 1949 Legislature available for such purposes.

Appropriations Purposes of act

SEC. 2. In addition to the uses and purposes for which the moneys transferred from the Board of State Harbor Commissioners to the San Francisco World Trade Center Authority under the provisions of Chapter 1189, Statutes 1949, may be expended, the said moneys are further hereby made available and appropriated for the purposes of this act.

CHAPTER 1652

An act relating to conservation, particularly of the species Sequoia gigantea.

In effect September 22, 1951

[Approved by Governor July 20, 1951 Filed with Secretary of State July 23, 1951]

The people of the State of California do enact as follows:

State policy

SECTION 1. It is hereby declared to be the policy of the State of California to preserve as far as possible the species Sequoia gigantea in the interest of conservation, both of soil and of the species itself, and for the benefit of present and future generations.

Upon the finding of the State Park Commission or State Forester, or both, that any Sequoia gigantea grove is suitably situated and is of a size and character which justifies its preservation by and for the public, it shall be the policy of the State to acquire any such grove for preservation and conservation purposes.

Construction

Nothing in this act shall be construed as establishing a policy to acquire any such Sequoia gigantea groves for preservation and conservation out of any money in the State Park Fund available for acquisition of land for park purposes under the provisions of Chapter 1422, Statutes of 1945.

CHAPTER 1653

Stats 1925, p 648

An act to amend Section 6b of the Municipal Court Act of 1925 and to amend Section 274 of the Code of Civil Procedure, relating to municipal courts.

In effect September 22, 1951

[Approved by Governor July 20, 1951 Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 6b of the Municipal Court Act of 1925 is amended to read:

Official reporters

Sec. 6b. Official reporters in every municipal court in a city or city and county of the first class, appointed as provided in Sections 274c and 274d of the Code of Civil Procedure shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of six hundred twenty-five dollars ($625) per month, which shall be a charge against the general fund of the said city or city and county.

Additional reporters

In conformity with the provisions of Section 274c of the Code of Civil Procedure, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore,

and who shall serve without salary but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty dollars ($20) per day, which shall upon order of the court be a charge against the general fund of the said city or city and county.

Per diem fees

All per diem fees otherwise payable by law by the parties to proceedings in said court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All said fees shall be deposited in the treasury of the said city or city and county to the credit of the general fund.

Transcription, etc., fees

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the city or city and county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Section 274 of the Code of Civil Procedure which shall be paid from the city or city and county treasury.

Retirement system

Official reporters of such court shall be members of any retirement system maintained by any city or city and county of the first class in which they are employed. For the purpose of such retirement system the salary herein provided for such reporters shall be deemed their entire compensation.

Law inapplicable

The provisions of Section 274c of the Code of Civil Procedure with reference to the appointment, tenure of office and removal of phonographic reporters shall not apply to phonographic reporters of the criminal division of the municipal court of a city or city and county of the first class who were acting in that capacity on the effective date of this section and who were certified by the civil service commission of a city or city and county of the first class, or were appointed to the court superseded by said municipal court. All such reporters shall be deemed the duly appointed, qualified and acting phonographic reporters of the criminal division of the municipal court of a city or city and county of the first class and shall be entitled to all the benefits of the civil service and retirement provisions of the charter of a city or city and county of this class and of the rules of the civil service commission having jurisdiction respecting suspensions and dismissals of employees.

Phonographic reporter

Each official phonographic reporter appointed pursuant to the provisions of Section 274c and 274d of the Code of Civil Procedure shall retain his appointment and status as such phonographic reporter pursuant to the provisions of Section 274c and Section 274d of the Code of Civil Procedure, subject to the compulsory age of retirement under said retirement system.

SEC. 2. Section 274 of the Code of Civil Procedure is amended to read:

Official reporter Fees

274. For his services the official reporter shall receive the following fees, except in counties where a statute provides otherwise:

For reporting testimony and proceedings, in contested cases, twenty dollars ($20) per day. For reporting each default or uncontested action or proceeding the reporter's fee shall be five dollars ($5); provided, that if more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case the reporter's fee shall be at the rate of twenty-five dollars ($25) per day.

For transcription for original ribbon copy, twenty-five cents ($0.25) per 100 words, and for each copy made at the same time ten cents ($0.10) each per 100 words.

For transcription, in civil cases, the reporter may charge, for special daily copy service 50 percent additional.

In criminal cases in which the court specifically so directs the fee for reporting and for a transcript ordered by the court to be made must be paid out of the county treasury on the order of the court, except that when a daily transcript is ordered as provided in Section 269 of this code then said section shall be applicable; provided, however, that in any case, the court shall not order to be transcribed and paid for out of the county treasury any matter or material other than that reported by said reporter as prescribed in paragraph 1 of Section 269 of this code; and provided further, that when there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

In civil cases the fees for reporting and for all other transcriptions ordered by the court to be made must be paid by the parties in equal proportion, and either party may, at his option, pay the whole thereof; and, in either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter shall perform any service in a civil action other than transcriptions until his fee therefor has been deposited with the clerk of the court.

CHAPTER 1654

An act to amend Section 737w of the Political Code and Section 79.23 of the Code of Civil Procedure, relating to superior judges' salaries.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 737w of the Political Code is amended to read:

737w. The annual salary of the judges of the Superior Court in and for the County of Mendocino is twelve thousand dollars ($12,000). Mendocino County Superior Court judges. Salaries

SEC. 2. Section 79.23 of the Code of Civil Procedure is amended to read:

79.23. The annual salary of the Judge of the Superior Court in and for the County of Mendocino is twelve thousand dollars ($12,000). Same

SEC. 3. Section 2 of this act becomes operative only if Section 737w of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect. Effect Stats. 1951, Ch 655

CHAPTER 1655

An act to amend Section 28133 of, and to add Section 28160 to, the Government Code, relating to compensation for public services.

[Approved by Governor July 20, 1951. Filed with Secretary of State July 23, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In counties of the thirty-third class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums: Yolo County officers Salaries

1. The auditor, four thousand eight hundred dollars ($4,800) a year.

2. The district attorney, six thousand dollars ($6,000) a year.

3. Each supervisor, three thousand dollars ($3,000) a year for all services performed by him as supervisor, member of the board of equalization, and road commissioner, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so. Operative date

SEC. 3. Section 28160 is added to the Government Code, to read:

Operative date

28160. The compensation provided by Sections 28101 to 28158, inclusive, of the Government Code shall be payable to incumbent officers. If it is not legally competent to pay the compensation provided by these sections to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in these sections as soon as it is legally competent to do so.

CHAPTER 1656

An act creating the "Solano County Flood Control and Water Conservation District" for the purpose of controlling and conserving storm, flood and other surface waters for any beneficial use, and for the protection of life and property in said district, for the purpose of cooperating and contracting with the United States, the State of California, municipalities, reclamation, irrigation and other certain districts and political subdivisions for the storage and diversion, the transportation and delivery, and the selling or other disposition of such water, and the obtaining of water or water supply and the sale or other distribution of water; to provide for the powers of such district necessary to carry out its purposes including among other powers the right to contract, the right to acquire property and to acquire water or a water supply, the right to purchase and sell water, the right to acquire or construct or have constructed dams, conduits and other works for the control, conservation, diversion, transportation and distribution of such water, the right to make contributions in aid of construction and acquisition of such works and aid in obtaining water and a water supply, the right to assume indebtedness either as principal, guarantor or underwriter, certain rights to appropriate water, to acquire water rights and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establish the boundaries thereof, and to provide for certain powers, rights and liability of member units located within or partially within said district, and to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Solano shall be ex officio officers and employees of said district, to authorize the incurring of indebtedness, the voting and/or issuing and selling of bonds, the voting and/or levying of special assessments; the levying and collection of taxes; to provide that the existence, property and powers of municipalities or public districts and subdivisions located within or partially within said district shall not be affected by this act;

and to empower municipalities, water conservation districts, reclamation districts, irrigation districts, flood control districts and any other political subdivision of the State empowered by law to appropriate water and to deliver it to users to enter into contracts with the district and to carry out the terms of said contracts.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. A district is hereby created to be known and designated as the "Solano County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows: all of the territory within the County of Solano excepting therefrom the territory lying within the exterior boundaries of the Solano County Irrigation District. Creation. Boundaries.

SEC. 2. As used in this act, the following words shall have the following respective meanings except by the context otherwise indicated: Definitions.

(a) "The district" shall mean the Solano County Flood Control and Water Conservation District;

(b) "The county" shall mean the County of Solano, State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "Member unit" shall mean any county water district, reclamation district, irrigation district, water conservation district, municipality, flood control district and other district or political subdivision in the State empowered by law to appropriate water and to deliver to water users which may enter into a contract with the district for (I) the repayment in whole or part to the district or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the district, or for (II) the underwriting in whole or part of any or all of such construction costs, or for (III) the repayment in whole or in part to the district or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the district or the underwriting in whole or in part of such cost, or for (IV) the payment in whole or in part for water

to be furnished or sold to such district by the district or the United States.

(g) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State of California to vote in the county at general elections;

(h) "May" is permissive and "shall" is mandatory.

Body politic and corporate powers of district

SEC. 3. The Solano County Flood and Water Conservation District is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the district shall, except as otherwise provided, be exercised by the board of directors thereof.

Perpetual succession

SEC. 3.1. The district shall have perpetual succession.

Seal

SEC. 3.2. The district shall have the power to adopt a seal and to alter it at its pleasure.

Suit

SEC. 3.3. The district shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

Eminent domain

SEC. 3.4. The district shall have the power of eminent domain to acquire within or outside the district by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution and Title 7, Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the district except that the district shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the State in the manner prescribed by law. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is necessary for carrying out the purposes of the district. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the district.

Acquisition, etc., of property

SEC. 3.5. The district shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitation set forth in Section 8.2.

Contracts

SEC. 3.6. The district shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board of directors of the district may cause construction or other work to be performed or carried out by contracts or by the district under its own superintendents as hereinafter provided.

Necessary acts

SEC. 4. The district shall have the power as limited in this act to do any and every lawful act necessary to be done, that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, industrial and all other beneficial uses.

Water control

SEC. 4.1. The district shall have the power: to control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs; and otherwise to reduce the waste of water and to protect life and property from floods within the district; provided, that the district may not construct or acquire any works or undertake any project for flood control purposes, except in conjunction with and as part of the construction or acquisition of works or the undertaking of projects for the purposes enumerated in Section 4 of this act.

Acquisition of works, etc

SEC. 4.2. The district shall have the power within or outside the district to construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

Appropriation of water, etc

SEC. 4.3. Anything in this act to the contrary notwithstanding, the district shall have the power to appropriate water or acquire water rights only on behalf of lands not then included within the limits of any public corporation empowered to appropriate water, and the district shall promptly assign any such appropriation or water right to any such public corporation formed to include such lands; provided, that at any time after July 1, 1951, the district shall have the further power to appropriate water or to acquire water rights to whatever extent and for whatever purposes all member units having an interest therein or affected thereby shall have agreed to in writing.

Operation, etc., of works, etc

SEC. 4.4. The district shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the district.

Surveys and investigations

SEC. 4.5. The district shall have the power to make surveys and investigations for works and projects and of the water supply and resources of the district, and to carry on and perform technical and other investigations of all kinds, make measurements, collect data and make analyses, studies and inspections pertaining to water supply, water, water rights, control of flood and use of water both within and without the district, and for these purposes the district shall have the right of access through its authorized representatives to all properties within the district.

Construction along public roads, etc

SEC. 4.6. The district shall have the power to construct its pipes, pipe lines, canals, flumes and tunnels and other conduits, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal ditch or flume which the route of said pipes, pipe lines, canals, flumes, tunnels or other conduits may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property; and the district shall restore at its own expense any such crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness Every company, municipality or district whose right of way shall be intersected or crossed by said pipes, pipe lines, canals, flumes, tunnels or other conduits shall unite with the district in forming such intersections and crossings and grant the rights therefor.

Right of way in state lands

SEC. 4 7. There is hereby granted to the district the right of way for the location, construction and maintenance of any and all of its works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district, the board of directors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made, it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

Eminent domain

SEC. 4.8. If by any judgment in condemnation or by agreement the district shall be required to relocate any street, road, highway or railroad, subject or devoted to public use, the board shall have power to acquire in the name of the district by agreement or condemnation, all rights of way and other property necessary or proper for the compliance with said agreement or judgment and thereafter, and without further authorization, to make such conveyance of such relocated street, road, highway

or railroad, as may be proper to comply with said agreement or judgment.

Sale, etc., of water, etc

SEC. 5. The district shall have the power, but only as to member units, to sell, lease or otherwise dispose of water or any rights to the use of the works of the district for the conservation, control or transportation of water, and shall have the power to fix rates and charges for such purposes.

Contracts with member units

SEC. 5.1. The district shall have the power to enter into contracts with any member unit or with any district which thereby becomes a member unit of the district for any of the following purposes:

1. The lease, purchase, or other acquisition by the district of any of the works of such member unit or district.

2. The construction of works by the district for the conservation, regulation or transmission of water for the benefit of such member units; or for the furnishing or sale by the district or the United States to such member unit or by such member unit to the district of water or a water supply for any purpose; or for the assumption, by either the district or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

3. The sale, lease or other disposition of water, water rights, and water storage facilities, or interests therein, by the district or by such member unit.

4. The operation of works and the delivery of water by the district or by such member unit; provided:

(a) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(b) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the district and such member unit.

(c) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the district and such member unit; provided, that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water; provided further, that any quantity of water assigned under Section 5.6 or released under Section 5.7 by one member unit to another member unit shall be delivered to the latter.

Sale, etc., of water, etc

SEC. 5.2. The district shall have no power to sell, lease, or otherwise dispose of water or of any right to the use of the works of the district for the conservation, control or transportation of water, except to member units and except as all member units having rights to such water or interest in such works shall grant such power by written contract; the power so granted shall be limited to the extent and by the conditions set forth in the most restrictive of such contracts.

Suspension of delivery of water

SEC. 5.3. Anything in this act to the contrary notwithstanding, the district shall have the power, in its discretion, to

suspend delivery of water conserved by the district or obtained by or on behalf of the district or a member unit to any member unit during the period which said member unit is delinquent in its payments for or obligations due in respect of such water under any contract entered into by it with the district.

Liability of member unit

SEC. 5.4. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the district for district purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of works acquired or constructed by or on behalf of the district or member unit which such member unit agrees to bear.

Same Contract

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by such member unit in accordance with the laws governing such member unit. No such contract shall be altered or modified without the consent of the district and the legal approval of such member unit.

Contract provisions

Each such contract may provide among other things:

(1) The total capital obligation which the member unit agrees to bear.

(2) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(3) The quantity or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(4) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(5) The quantity or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit.

Such contract shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

Debt reduction apportionment

SEC. 5.5. (a) In the event of any reduction in the principal of any debt of the district underwritten by one or more member units, other than by payment thereof, the amounts to be paid the district by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such unit shall be unchanged.

Interest rate reduction

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the district for which one or more member units are responsible, the amounts to be paid the district by each such member unit shall be reduced proportionately so that the relative obligation of each such unit remains unchanged in respect to its obligation to pay any remaining interest.

Assignment to other member units

SEC. 5.6. Any member unit may reduce its obligations under its contract with the district by assignment to another member unit of any part of its right to receive water under its contract; provided, that such assignment is legally approved, in accordance with the laws governing such member unit, by each member unit which is a party to such assignment; provided further, that the total of all payments to be made by such member units to the district shall not be reduced by virtues of such assignments; and provided further, that the assignor member unit may be required by the district to guarantee the payments assumed by the assignee member unit.

Storage of member unit's water

SEC. 5.7. (a) Any member unit may elect that any water to which it is entitled be held in storage in the district's reservoirs so long as there is unfilled capacity in the reservoirs from which such water would otherwise be withdrawn for delivery to it; provided, that if two or more member units desire simultaneously to store water as aforementioned and there is not sufficient capacity to accommodate such member units, the storage capacity shall be apportioned between them in accordance with the amount of capital cost of such reservoir they have respectively underwritten, or in accordance with the amount of water they have respectively contracted to purchase during the period of such storage.

Release of water to other member unit

(b) Any member unit may release for the use of any other member unit any amount of water which may then be held temporarily in storage for its account, and in such event the district shall deliver such water to such other member unit; but such delivery shall be deemed to be for the account of the member unit releasing such water.

Sale of district assets

SEC. 5 8. (a) If any capital asset of the district is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of such member units to the district as by contract may be provided, in proportion which the amount contributed by each such member unit to the cost of such capital asset is to the total cost of such capital asset.

(b) However, if any liability on the part of the district and/or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the aforesaid sale or other disposal thereof, the district shall have the power to apply as much of the proceeds of such sale toward the extinguishment of such liability as may be necessary. In extinguishing such liability, the proceeds of such sale shall be applied only as the interests and liabilities of the district and its member units shall appear.

Cooperation with United States
43 U S C, §372

SEC. 6. The district shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of constructing works, whether for irrigation,

drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

Authorization of repayment contract

SEC. 6.1. (a) Each contract providing for repayment of the cost of any works, or for the payment of any water or water supply, which is entered into with the United States pursuant to this act, shall be authorized at an election, unless by a resolution adopted by a four-fifths ($\frac{4}{5}$) vote of the members of the board of directors, said board shall determine that all liabilities of the district thereby incurred can be repaid and liquidated both as to principal and interest from revenue derived from taxes levied pursuant to Section 10.1 and from payments to be made to the district by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units or providing for the payment currently of whatever amounts may be necessary to pay the portion of the cost of any water or water supply to be furnished or sold to such member units. Upon the adoption of such resolution the board of directors shall have the power on behalf of the district, without the necessity of an election, to enter into such a repayment contract or into such a contract for the purchase of water or a water supply with the United States subject to all provisions of this act applicable to such contracts, except provisions requiring an election to authorize such contracts.

Election procedure

(b) Except as otherwise in this act provided, proceedings at the election shall be had insofar as applicable in the manner provided in the case of the issuance of district bonds; provided, that all qualified voters of the district shall be entitled to vote in such an election.

Notice

Notice of the election shall contain, in addition to the information required in the case of bond elections, a statement of the maximum amount of money to be payable to the United States for construction purposes and cost of water supply and acquisition of property, exclusive of penalties and interest, and a general statement of the property, if any, to be conveyed by the district pursuant to the contract.

Ballots

The ballots at the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of election and the extent of the obligation to be assumed with the words "Contract—Yes" and "Contract—No" or "Contract and bonds—Yes" and "Contract and bonds—No," whichever may be applicable. A favorable majority of two-

thirds ($\frac{2}{3}$) of the votes cast at such election shall be necessary to authorize the execution of the contract and/or issuance of the bonds.

Payments to United States

SEC. 6 2. (1) All payments to the United States under any contract between the district and the United States, including payments of interest and principal on bonds deposited with or transferred to the United States, shall be paid so far as possible from revenue other than that derived from district taxes, unless otherwise provided by the contract or this act, and the balance, if any, of such payments shall be paid from revenue derived from annual taxes upon all taxable property within the district assessable for district purposes under the laws of the State, and the taxable property shall be and remain liable to be assessed and levied upon for the payments.

Assessment of United States lands

(2) Public land of the United States within the district shall be subject to assessment and tax for all purposes of contracts with the United States to the extent provided for by the Act of Congress approved August 11, 1916, entitled "An act to promote reclamation of arid lands," or any other law which may hereafter be enacted by Congress in the same relation, upon full compliance therewith by the district.

43 U S C. § 621

"United States Contract Fund"

(3) All money collected in pursuance of the contract with the United States shall be paid into the county treasury to the credit of the district and held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract.

Cooperation in purchase, etc., of water

SEC. 6.3. The district shall have the power to cooperate, act in conjunction and contract with the United States, State of California, municipalities, and public districts of any kind, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the district, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial use, and for the use, operation, management and ownership of such works. The district also may make and perform any agreement with the United States, the State, any county, municipality, district of any kind, public corporation, any person or any number of them for the joint acquisition, disposition, or operation of any property or works or water or water supply of a kind which might be acquired, disposed of, or operated by the district.

Any county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users shall have the power: (a) to cooperate, act in conjunction and enter into contracts with the district for all the purposes for which the district is empowered to cooperate, act in conjunction and contract with such districts, municipalities, and political subdivisions; (b) and to carry out the terms of such contracts.

Putah Creek construction. Limitation

SEC. 6.4. The district shall not use any funds which may accrue to it from any source whatsoever to construct, or to bring about, in any way, the construction of any work or works on the Putah Creek prior to November 1, 1953.

Board of supervisors as board of directors

SEC. 7. The board of supervisors of the county shall be, and they are hereby designated as, and empowered to act as, ex officio the board of directors of the Solano County Flood Control and Water Conservation District, and said board of directors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth. Each member of the board of supervisors shall serve without additional compensation for acting as a member of said board of directors, except such member shall be allowed his actual, necessary and reasonable traveling expenses The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, 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. Four-fifths of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless four-fifths of all members concur therein.

Personal interest

SEC. 7.1. No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Solano for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of his office; provided, that this section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

County officers as district officers

SEC. 7.2. The county clerk, county assessor, county tax collector, county auditor, county treasurer, surveyor and county council of the county, their assistants, deputies, clerks and employees, shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the Solano County Flood Control and Water Conservation District, and shall respectively perform, unless otherwise provided by said board of directors, without additional compensation the same various duties for the district as for the county in order to carry out the provisions of this act.

In the event any of the aforementioned county offices is consolidated, enlarged, abolished or changed, the duties thereof shall be performed for the district by the holder of the office to which such duties have been transferred as a result of such consolidation, enlargement, abolishment or change, and such latter officer, his deputies, clerks, employees and assistants, shall be

respectively ex officio such officer, deputies, clerks, employees and assistants of the district.

Appointment of other officers

In addition to the officers and employees herein otherwise prescribed, the board of directors may in their discretion appoint such other officers, attorneys, agents and employees (including county officers, agents and employees) for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, attorneys, agents and employees to hold their respective offices or positions during the pleasure of said board; provided, no county officer, agent or employee shall receive additional compensation for acting as a district officer, agent or employee except his actual and necessary traveling expenses.

Adoption, etc., of legislative acts

SEC. 8. All ordinances, resolutions, and other legislative acts for said district shall be adopted by the board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

Initiative and referendum

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of this State for the exercise of such powers in relation to counties.

Claims against district

SEC. 8.1. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Legal title to property

SEC. 8.2. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of directors may determine, by resolution duly passed and entered in their minutes that any property, real or personal, held by the district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties; provided, that the title to real property, water rights or water works, shall not be conveyed or alienated except by a vote of the electors of an election held for that purpose.

Contracts over $2,500

SEC. 8.3. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand five hundred dollars ($2,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board of directors of the district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general

circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of this chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids.

Force account

In the event no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of two thousand five hundred dollars ($2,500) or the work consists of emergency work necessary in order to protect life and property, the board of directors by unanimous vote of all members present may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account.

Exceptions

The provisions of this section shall have no application to a contract entered into with the United States under the authority of this act, or to a contract authorized by a vote of the electorate of the district.

Debt limitation

SEC. 9. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that this section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

Same

SEC. 9.1. The aggregate of district indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (1) That amount which can be repaid and liquidated as to both principal and interest in not to exceed forty (40) years by an annual tax at the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all property in the district taxable for district purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness; plus (2) the amount of all capital obligations underwritten by member units of the district; plus (3) the amounts agreed to be paid by member units to the district or to the United States for water or a water supply.

SEC. 10. The district shall have the power as provided in this act to cause taxes to be levied for the purpose of paying any obligation of the district and to accomplish the purposes of the district and of this act. Taxation

SEC. 10.1. If from any cause, the revenues of the district shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the district, the board of directors of the district shall have the power in any year to levy an ad valorem tax upon all taxable property in the district to pay the costs and expenses of said district and to carry out any of the objects, purposes or powers of this act; provided, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the district exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon duly authorized by a vote of the electors of the district, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote of the electors of the district, and exclusive of any tax levied for the payment of any portion of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units. Same. Limitation

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from said taxes shall be paid into the county treasury to the credit of the district, and the board of directors shall have the power to control and order the expenditure thereof for said purposes.

SEC. 10.2. The district shall have the power to expend any or all of its funds as contributions in aid of: (a) The construction or payment of the cost of works; (b) the purchase or obtaining of water or a water supply; (c) or the payment of any liability assumed as principal, guarantor or underwriter on any indebtedness in connection with such construction, payment, purchase or obtaining; if such works are constructed or said water or water supply is obtained for or on behalf of the district or its member units. Expenditure of funds

Unless by a resolution adopted by a vote of four-fifths (4/5) of the members of the board of directors, said board determines that facts exist which make a different allocation preferable in the best interests of the district, such contributions in aid of construction or of the payment of works or any liability assumed in connection therewith shall be in proportion to and for the same purposes as payments made in the same year by each member unit in amortization of a portion of the cost of such works, and such contributions in aid of the purchase or obtaining of water or a water supply or any liability assumed in connection there- Contributions in aid of construction

with shall be in proportion to and for the same purposes as payments made in the same year by each member unit.

Financia assistance to member unit

SEC. 10.3. Notwithstanding any other provision of this act, if in the judgment of the board the cost and expense of a supply of water to any member unit is greater than the ability of such member unit to pay and the board finds that a supply of water to such member unit will be of general benefit to the district, the board may by a four-fifths ($\frac{4}{5}$) vote of its members direct the district to contribute from whatever funds may be available financial assistance to the extent that the board determines the district as a whole will be benefited. For the foregoing purpose, the board may contract with the member unit or with the United States, the State of California or any public agency supplying water or contracting to supply water to such member unit, to make said contribution and assistance annually for such period of time as the board may determine, not to exceed forty (40) years.

In addition to any other revenues that may be available the board may levy annually an ad valorem tax, as in this act provided, on all taxable property in the district for the purpose of raising sufficient moneys to pay such contribution of financial assistance.

Special taxation of delinquent member unit

SEC. 10.4. The district shall have the power to levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the district by such member unit under any contract entered into by them. Such tax shall be levied only at a rate sufficient to raise an amount equal to the amount delinquent. Such tax shall be levied and collected at the same time and in the same manner as general district taxes, and shall be paid into the county treasury to the account of the district and shall be used only to reduce the liability of such delinquent member unit.

No property in any portion of the district, other than that in the delinquent member unit, shall be liable for or taxed to pay for such delinquency.

Adoption of state laws

SEC. 10.5. The provisions of law of this State, prescribing the priority, time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted for the district and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Power to borrow money, etc

SEC. 11. The district shall have the power as provided in this act to borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof.

Bonds

SEC. 11 1. Whenever the board of directors shall determine that a bonded indebtedness should be incurred to pay all or

any part of the cost of acquisition or construction of any works for any of the purposes of the district, the said board may by resolution determine and declare the respective amounts of bonds in order to raise the amount of money necessary for such work and the denomination and rate of interest of said bonds, and said resolution shall generally describe said work. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Solano County within five (5) days after its passage. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

Special election

(2) Thereafter, the board of directors may call a special election at which shall be submitted to the qualified electors of the district the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated.

Same: Procedure

(3) Said board of directors shall call such special election by ordinance and not otherwise and submit to the qualified electors of the district the proposition of incurring a bonded indebtedness in the district in the amount and for the purposes stated in said resolution and shall recite therein the object and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by the board of directors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work, the amount of principal of the indebtedness, to be incurred therefor and the rate of interest thereon, and what part of such indebtedness shall be paid each and every year, which shall not be less than one-fortieth ($1/40$) of the whole amount of such principal indebtedness, and the proportion or part of such indebtedness to be underwritten by each member unit, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, the board of directors shall in said ordinance establish election precincts within the boundaries of the district and may form election precincts by consolidating the precincts established for general election precincts in the district.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State

Plans

(4) Said board of directors shall cause a plan or plans to be prepared covering a general description of the work to be done, which said plan shall show the location of the proposed works and shall cause the said plan to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Publication

(5) Said ordinance calling for such election shall prior to the date set for such election, be published in a newspaper of general circulation published in the district for three consecutive

times if published in a daily newspaper of general circulation published in the district, or two times if published in a weekly newspaper of general circulation published in the district the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in the district for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Irregularity, etc

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds of the district for the amount stated in such proceedings shall be issued and sold as in this act provided.

Additional bonds

SEC. 11.2. Whenever bonds have been authorized by the district and the proceeds of the sale thereof have been expended as in this act authorized, and the board of directors shall by resolution determine that additional bonds shall be issued for carrying out any of the purposes of this act, said board of directors may again proceed as in this act provided, and issue bonds pursuant to Section 11.4, or if said section is not applicable, submit to the qualified voters of the district the question of issuing additional bonds in the same manner and with like procedure as in this act provided, and all the provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Refunding bonds

SEC. 11.3. (a) The board of directors may by resolution submit to the electors of the district, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds shall not bear a higher rate of interest than the bonds to be refunded and may be issued and sold in the manner and form prescribed for an original issue of bonds and may, if the holders of bonds of an original issue and board of directors so agree, be exchanged for such original bonds; provided, that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds. The board of directors may raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue.

(b) When original bonds are issued by the board of directors without a vote of the electors, the board of directors may issue refunding bonds without calling an election for that purpose. The provisions of subsection (a) hereof (except in regard

to elections) shall apply to such refunding bonds issued by the board of directors.

Authority to issue bonds

SEC. 11.4. In the event the board of directors shall determine by a resolution duly adopted by a four-fifths (4/5) vote of the members of said board that a bonded indebtedness to pay the cost of acquisition or construction of any works for any of the purposes of the district or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues derived from taxes levied pursuant to this act and from payments required to be made to the district by member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of said cost underwritten by said member units, said board shall be vested with the authority to issue bonds of the district in such amount as can be so repaid and liquidated. Thereafter the board of directors may issue bonds without the necessity of an election, subject to all applicable provisions of this act pertaining to bonds and bonded indebtedness, except provisions requiring authorization of bonded indebtedness by an election

Form, etc., of bonds

SEC. 11.4a. The board of directors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the said board of directors may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and said bonds shall be signed by the chairman of the board of directors, and countersigned by the auditor of the county, and the seal of the district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of the county by his engraved or lithographed signature.

Signatures

In case of any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Callable bonds

SEC. 11.5. Any bonds, original or refunding, issued by the district, may be made callable by resolution of the board of directors, adopted at a time prior to the issuing of such bonds and providing for the calling and redemption of such bonds, in numerical order, or by lot, on any interest payment date prior to their fixed maturity, at not exceeding the par value thereof and accrued interest If any such bonds are so made callable, a statement to that effect shall be set forth on the face of the bond. Notice of any such redemption shall be published once a

week for three successive weeks in a newspaper of general circulation printed and published within the district. The first publication of such notice shall not be less than 30 nor more than 90 days prior to the date fixed for such redemption. After the date fixed for such redemption, if the district shall have provided funds available for payment of the principal and interest of the bonds so called, interest on such bonds shall thereafter cease.

Sale Price and proceeds

SEC. 11 6. The board of directors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than ninety-five percent (95%) par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of the district for the uses and purposes of said bonds; and the proper record of such transactions shall be placed upon the books of the county treasurer, and said funds shall be applied exclusively to the purposes and objects for which such bonds were issued, subject to the provisions in this act contained. Payments from said funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

Said bonds shall be sold at a public sale to the highest bidder, after notice of such sale has been given by publication at least two times in a newspaper of general circulation published in the district at least one time prior to such sale and after such other notice as the board of directors may deem proper.

The manner of making, submitting and opening bids and conducting such sale and the terms thereof shall be determined by the board of directors. The said board is hereby given the right to reject any and all bids which in the judgment of said board are too low to be in the best interests of the agency.

Taxation for payment

SEC. 11.7. Any bonds issued under the provisions of this act and the interest on such bonds if no other funds are available shall be paid by revenue derived from the tax authorized by Section 11.9 and all the taxable property within the district shall be and remain liable to be taxed for such payments as in this act provided until such bonds and the interest are fully paid or the liability therefor legally discharged.

The accrued liability due on the bonds of any issue shall have preference in payment over the accrued liability due on the bonds of any subsequent issue.

Continuous property liability

SEC. 11.8. The repeal or amendment of this act, or the dissolution of the district created by this act, shall not in any way effect or release any of the property in the district from its liability on or from the obligations of any outstanding bonds or indebtedness or contracts for which such property is in any way security until all such bonds and outstanding indebtedness and contracts have been fully paid and discharged.

Taxation

SEC. 11.9. The board of directors shall levy a tax or assessment each year upon all the taxable property in the district sufficient to pay such portion of the interest for that year upon bonds issued by the district, and such portion of the prin-

cipal thereof as is to become due before the time for making the next general tax levy as cannot be paid from revenue due the district from member units pursuant to written contracts providing for the payment currently of whatever amounts may be necessary to amortize the portion of the cost underwritten by said member units of works financed by said bonds. Such tax shall be levied and collected together with and not separately from taxes for county purposes, when collected shall be paid into the county treasury of the county to the credit of the district, and be used for the payment of the principal and interest on said bonds, and for no other purposes. The principal and interest on said bonds shall be paid by the treasurer of the county in the manner provided by law for the payment of principal and interest on bonds of said county.

Action to determine bond validity

SEC. 11 10. The district may bring at any time after the authorization of bonds or the levy of any special assessment or after the execution of any contract an action in the Superior Court of the State of California, in and for the County of Solano, to determine the validity of the bonds or of the levy or of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the district and designated by the court in which the proceedings are pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the bonds or assessment or the contract. If no proceedings have been brought by the district pursuant to this section, any member unit, municipality district or public agency or taxpayer may at any time within 30 days after the levy of any assessment or authorization of any bonds or execution of such contract bring an action in the said superior court to determine the validity of the assessment or bonds or contract. The district shall be a defendant. If more than one action is pending at the same time concerning similar contests provided for in this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions or proceedings provided for by this section. In a contest provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The judgment shall declare the bonds or levy or contract either valid or invalid. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court. Any party may appear at any time within 30 days after the entry of the judgment. No contest of any thing or matter herein provided shall be made other than in the time and manner in this section provided. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

Changes in specifications, etc

SEC. 11.11. Any works for which bonds or contracts or special assessments are authorized under the provisions of this act shall be made in conformity with the report, plans and specifications theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or any incidental part of such work be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of directors by a four-fifths (4/5) vote may order necessary incidental changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor. In no event shall changes be made from such original plans, reports and specifications which would have any material effect on the purpose for which such works were intended or which would materially affect any obligations of or benefits to any member unit.

Legal investments

SEC. 11.12. The bonds of the district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts and municipalities in the State of California, such money or funds may be invested in said bonds of the district, issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school district or municipalities, may by law now or hereafter enacted be used as security for the performance of any act, such bonds of the district may be so used.

Tax exemption

SEC. 11.13. All bonds issued by the district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the Solano County Flood Control and Water Conservation is a district, including a reclamation and irrigation district, within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of the State of California.

Failure of proposition

SEC. 11.14. Should a proposition for issuing bonds submitted to any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board of directors of the district shall not for six months after such election call or order another election in the district for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Special assessments

SEC. 12. The district shall have the power as provided in this act to levy special assessments for the purpose of paying any obligation of the district or to accomplish any of the purposes of the district.

Same: Resolution

SEC. 12.1. Whenever the board of directors shall determine by resolution that facts exist which make a special assessment preferable in the best interests of the district to incurring a bonded indebtedness for paying all or any part of the cost of any work or for carrying out any contracts for any purpose of

the district, the board of directors may levy special assessments as hereinafter provided. The facts making such a special assessment preferable to a bonded indebtedness shall be stated in the resolution. Such special assessments shall be payable in equal annual installments over a period of not to exceed forty (40) years, and shall be levied only after being duly authorized by a two-thirds ($\frac{2}{3}$) majority of the votes cast by the qualified electors of the district voting at an election held for that purpose.

Same Procedure

Except as in this section otherwise provided, the procedure and requirements of this act for notices and elections for issuances of district bonds shall apply with like effect to special assessments levied hereunder. If such special assessments are to be levied in annual installments, the ballot shall specify the number of such installments.

Disposition of funds

The funds raised by said special assessments shall be placed in the treasury of the county to the credit of the district and said funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special assessment election. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

The provisions of this act relative to taxes for the payments of bonds and the liability of property for the payment of such taxes shall apply with like effect to payment of special assessments levied hereunder, and to the liability of property for the payment of such special assessments.

Zones

SEC. 12 2. The board may cause the entire district to be divided into zones if, in its opinion, such division is necessary because of varying benefits to the property within the district and may fix the percentages of the sums to be raised under the provisions of this act from each of such zones for the payment of the principal and interest of the bonds of the district or the indebtedness of the district.

Zoning procedure

The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district, which in the opinion of the board will be benefited in substantially the same manner Each zone shall be designated on a map or plat of the district filed in the office of the board and such designation shall show the separate boundaries of each zone and the statement of the percentages to be raised from each zone. Upon the filing of such map the board shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the zones into which the district is divided, or to the percentage to be raised from each of said zones All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board on or before the date fixed for such hearing. Upon such hearing, the board may change or

modify any of the zones or the percentages to be raised therefrom and shall distribute proportionately the percentage to be raised in each zone in accordance with the benefits received therefrom. Such hearing may be continued from time to time by the board by an order entered on its minutes. At the conclusion of the hearing the board shall make a final determination as to the extent and boundaries of the zones and the percentages to be raised therefrom.

Location and extent of zones

The location and extent of the zones within the district and the percentages to be raised therefrom shall be finally established and determined by the board and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the boards as to the extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive subject to ratification by the electors as herein provided.

Member unit payment of zone charges

SEC. 12.3. Notwithstanding any other provision in this act the governing body of any member unit at any time after the location and extent of zones in said district and the percentages to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board, but before the calling of any bond election, may with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the member unit. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid and thereafter the electors residing within such zone or zones shall not be entitled to vote at such election. Such contract shall contain such other or additional provisions as the board shall deem necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments by said member unit or units.

Tax exemption

SEC. 13. The rights of way, ditches, flumes, pipe lines and other conduits, drains, water, water rights, reservoirs, dams, franchises, works and all other property used for the purposes of the district and belonging to it shall not be taxed nor assessed for state, county, municipal or any district purposes.

Construction

SEC. 14. The establishment of the district or anything of this act contained shall not affect, restrict nor supersede the existence, property, right or power of any municipality, public district or public agency now or hereafter established in or partially within the limits of the district for the purpose or purposes in whole or part of flood control or for the purpose or purposes in whole or part of reclamation, conservation, storage, distribution, sale, use or development of water. The Legislature because of conditions special to the county hereby expressly declares its interest to permit within the limits of the Solano County Flood Control and Water Conservation District the

existence of more than one district and/or municipality having similar powers over similar territory in regard to flood control, reclamation, water conservation, storage, distribution, sale, use and development.

Same

SEC. 15. The formation of the district or the enactment of this act shall not impair the vested right of any person, association, corporation, municipality or public district in or to water or the use thereof.

Procedure to determine legality

SEC. 16. The district in order to determine the legality of its existence, in addition to any remedy it may have for that purpose, may institute a proceeding therefor in the Superior Court of the State of California in and for the County of Solano, by filing a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal district formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four (4) successive weeks in some newspaper of general circulation published in said district. Within 30 days after the last publication of said summons shall have been completed, any property owner or resident or registered voter in said district, or any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be filed in such proceeding. If an answer be filed, the court shall proceed as in other civil cases. Such proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California. Appeals may be taken from said judgment in the same manner as in other civil cases. The procedure provided by this section shall be cumulative and not exclusive.

Dissolution

Stats 1951, Ch 331

SEC. 16.5. The district may be dissolved in the manner provided for the dissolution of districts by Chapter 2 of Division 4 of the District Organization Act, and the district shall be considered a district within the meaning of all the provisions of such chapter.

Legislative finding and declaration

SEC. 17. The Legislature hereby finds that water problems in the county require county-wide water conservation, development of water resources and flood control; that these problems are not general or state-wide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that the county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply; that to adequately and feasibly conserve the water supply and control the floods of said county, it is necessary to have a political entity co-extensive with the geographical limits of the entire county; that there is a great scarcity of water within the county for municipal irrigation, military and other uses and

there is an urgent need that an adequate supply of water be obtained. Investigation has shown conditions in said county to be peculiar to it and it is hereby declared that general law cannot be applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

Severability

SEC. 18. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Short title

SEC. 19. This act may be designated and referred to as "The Solano County Flood Control and Water Conservation District Act" and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 1657

An act creating the "Yolo County Flood Control and Water Conservation District" for the acquisition, controlling, conservation, diversion, storage and disposition of storm, flood, and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

"Yolo County Flood Control and Water Conservation District"

SECTION 1. A flood control and water conservation district is hereby created, to be called the "Yolo County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows:

Boundaries

All that territory of the County of Yolo lying within the exterior boundaries thereof, exclusive of the area within reclamation districts Nos. 108, 150, 307, 537, 730, 752, 765, 785, 787, 811, 819, 820, 821, 827, 900, 999, 1009, 1600, 2035, 2068, and 2076, the Knights Landing Ridge Drainage District, the Sacramento River West Side Levee District, and the Washington Levee District on the effective date of this act.

SEC. 2. As used in this act:

"District"

"District" means the Yolo County Flood Control and Water Conservation District.

"Board"

"Board" means the board of directors of the district.

Objects and purposes

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

Powers of district

Perpetual succession

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction. Suit

(c) To adopt a seal and alter it at pleasure. Seal

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes. Aquisition of property

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights of way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized. Same

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof. Eminent domain

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights of way for flood control purposes and not from funds appropriated for state highway purposes. Change of existing structure, etc

Construction, etc

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

Indebtedness

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

Levy, etc., of assessments

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Employees, etc

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

Zones

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Contracts with United States, etc

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

Leases, etc., of property

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for. Contributions

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act. Acquisition of works, etc

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses. Water supply

(r) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district. Flood control

(s) To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Yolo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose. Cooperation

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such Entrance on land

stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Yolo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Yolo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

Board of directors

SEC. 4. On or before January 1, 1956, the Board of Supervisors of Yolo County shall appoint a district board of directors of five members which shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act.

Term

Of the members first appointed, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Thereafter all members shall be appointed for a term of four years. Any member of the board of directors may be removed from office at any time, with or without cause, by the board of supervisors, a majority of the entire membership concurring. All vacancies in the membership of the board of directors shall be immediately filled by appointment by the board of supervisors for the unexpired portion of the term in which they occur.

Rules and regulations, etc.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvement provided in this act. Each member of the board of directors shall serve without compensation, but

shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, 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 of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

Ex officio board of directors

Until the first board of directors are appointed pursuant to this section, the Board of Supervisors of Yolo County shall act, ex officio, as board of directors of the district and shall have and exercise all the powers and duties herein prescribed for that board. Each member of the board of supervisors shall serve without additional compensation for acting as member of the board of the district, but shall be allowed his actual, necessary, and reasonable traveling expense incurred in carrying out his duties in such capacity.

Interest in contract

SEC. 5. No director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

County officers as district officers

SEC. 6. The county clerk, county assessor, county tax collector, county auditor, county treasurer, county surveyor, district attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by said board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act.

Legislative acts

SEC. 7. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county.

Initiative and referendum

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties.

Claims against district

SEC. 8. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county.

Legal title to property

SEC. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property, water rights or water works shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose.

Contracts over $2,000

SEC. 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Provisions inapplicable

The provisions of this section shall have no application to a contract entered into with the United States under the author-

ity of Section 3, or to a contract authorized by a vote of the electorate of the district.

Debt limitation

SEC. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts, with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

Taxation

SEC. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of two cents ($0.02) on each one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

Limitation

Taxation

SEC. 13. The board shall have the power, as provided for in this act, to cause taxes to be levied within any of the zones hereinafter created, for the purpose of paying any obligation of the district and to accomplish the purpose of the district and of this act.

Estimate of sum to be raised

SEC. 14. The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed

plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Zoning

Prior to the calling of the bond election hereinafter referred to, the board shall cause the entire district to be divided into zones, if in its opinion such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages of the sum to be raised from each of such zones for the payment of the principal and interest of the bonds of the district. The district may be divided into as many zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board will be benefited in substantially the same manner. Each zone shall be designated on a map or plat of the district filed in the office of the board and such designation shall show the separate boundaries of each zone and a statement of the percentage to be raised from each zone.

Same Procedure

SEC. 15. Upon the filing of such map, as in Section 14 provided, the board shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the zones into which the district is divided, or to the percentage to be raised from each of said zones All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board on or before the date fixed for such hearing. Upon such hearing, the board may change or modify any of the zones or the percentages to be raised therefrom and shall distribute proportionately the percentage to be raised in each zone in accordance with the benefits received therefrom. Such hearing may be continued from time to time by the board by an order entered on its minutes. At the conclusion of the hearing the board shall make a final determination as to the extent and boundaries of the zones and the percentages to be raised therefrom.

The location and extent of the zones within the district and the percentages to be raised therefrom shall be finally established and determined by the board and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board as to the extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive subject to ratification by the electors as herein provided.

Special election

SEC. 16. After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages of the sum to be raised for the payment of the

principal and interest of the bonds from each of such zones, the board shall call a special election and submit to the qualified voters of said district two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district, and for any other purpose set forth in Section 3 hereof?

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness.

For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

At such election all persons whose names appear on the last great register of County of Yolo as residing within the district shall be entitled to vote, except as hereinafter otherwise provided.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

Failure of proposition

SEC. 17. Should the proposition be submitted to the electorate as provided in Section 16 fail to receive the requisite number of votes of the qualified electors voting at such election

for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

Payment of zone charges by political subdivision, etc.

SEC. 18. Notwithstanding any other provision in this act, the governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages to be raised therefrom in each of such zones for the purpose of assessment have been finally fixed and determined by the board as provided in Section 14, but before the calling of the bond election as provided in Section 16 may, with the consent of the board, enter into a contract with the district to pay to the district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the electors residing within said zone or zones shall not be entitled to vote at such bond election. Such contract shall contain such other and additional provisions as the board deems necessary or advisable in order to protect the interests of the district and to substitute the contract in lieu and instead of the assessments within the zone or zones so assumed by said municipality or other political subdivision.

It shall be wholly optional with the board whether or not to proceed as provided in this section.

Form, etc., of bonds

SEC. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear, not to exceed 5 percent per annum. The bonds shall mature serially in amounts to be fixed by the board, payment of the bonds commencing not later than five years from the date thereof and being completed in not more than 40 years from said date. The board shall fix the place, or places (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable.

Same

SEC. 20. The bonds shall be issued in such denominations as the said board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature.

In case any officer 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, the signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Action to determine bond validity

SEC. 21. At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Yolo, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Yolo County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided. Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Yolo, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

Sale of bonds

SEC. 22. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall

be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original sale. The bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Investment of sinking funds

SEC. 23. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California. Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

Effect of issuance, etc., bonds

SEC. 24. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the taxable property within the district, and all the taxable property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Legal investments

SEC. 25. Any bonds which shall be issued under the provisions of this act, shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now

or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used.

Proceeds of bond sale

SEC. 26. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Yolo, and be paid out by him only upon authority of the board and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Refunding bonds

SEC. 27. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder

of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 28, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 25.

Tax levy

SEC. 28. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the district excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said amount of said tax levied shall be divided according to said percentage, and the percentage to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this State prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Yolo as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the percentage of the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as herein above prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the Board of Supervisors of the County of Yolo and the board, except that such compensation shall not

exceed one-half percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Assessment and taxation

SEC. 29. Notwithstanding Sections 54900 to 54903, inclusive, of the Government Code, the district is validly created for the purposes of assessment and taxation. The creation of any zone in the district shall not be effective for purposes of assessment or taxation for the Fiscal Year 1951-1952 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Sections 54900 to 54903, inclusive, of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the district.

For the Fiscal Year 1950-1951, but for no other fiscal year, notwithstanding Section 28 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section

Assessments of the district for the Fiscal Year 1951-1952 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year 1951-1952 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1951, and the date on which attaches the lien for assessments of the district for the Fiscal Year 1951-1952, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

Equalization

In equalizing the assessments made by the county assessor, the Board of Supervisors of Yolo County, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under

this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the Fiscal Year 1951-1952. Except as provided in this section, Section 28 of this act is applicable to the assessment and equalization of property for the purpose of district assessments for the Fiscal Year 1951-1952.

Taxation

SEC. 30. After the first bond election in the district at which bonds shall be authorized by the electors of said district the board shall have power, in any year, to levy a tax upon the taxable property in said district as provided in Section 28 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes. Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

Limitation

Construction

SEC. 31. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

Exclusion

SEC. 32. Any territory within the district and not substantially benefited by being within the district may be excluded by order of the board upon the verified petition of the owner or owners in fee of lands whose assessed valuation is in excess of one-half of the assessed valuation of all lands held in private ownership in such territory as shown by the last equalized assessment roll.

Petition

The petition shall describe the territory sought to be excluded and shall set forth that such territory is not substantially benefited by being in the district and shall pray that such territory be excluded and taken from said district. It shall be filed with the board and accompanied by a deposit with the board of the sum of five hundred dollars ($500), to meet expenses of advertising and costs incident to the proceedings, any unconsumed balance to be returned to the petitioner or petitioners.

Investigation and report

Upon the filing of the petition, the board shall transmit a copy thereof to the Department of Public Works, Division of Water Resources, which acting by and through the State Engineer shall make an investigation and determine whether the lands proposed to be excluded, or some portion thereof, is not substantially benefited by inclusion in the district. Upon completing such investigation, the department shall file its report with the board, which shall describe specifically the lands, if any, which will not be so benefited. The cost and expense of such investigation and report shall be a charge against the district and against the deposit made by the petitioners.

Hearing procedure

Upon the filing of the report, the board shall fix a time when the petition and report will be presented to the board, which shall be not less than 25 days nor more than 50 days after the filing of the report, and shall cause a notice of the filing thereof to be published once a week for at least two weeks in one newspaper of general circulation printed and published in each county within which any portion of the district lies. Such notice shall also state the date of the filing of the petition and the date of the filing of the report and the time when he will present them to the board and that they will come on for hearing before the board at such time and shall state the place where the board will meet for the purpose of holding such hearing. Any landowner or taxpayer or other person interested within the district shall have the right to appear at said hearing either in behalf of or in opposition to the granting of said petition. If upon such hearing the board determines that the petition complies with the provisions of this section and determines either that it is for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district or if it determines that such lands, or some portion thereof, will not be substantially benefited by their continued inclusion in the district (and lands which the report of the Department of Public Works states will not be so benefited shall be included as such lands by the board in making its determination), the board shall make an order that such lands, or such portion thereof, be excluded from the district, such order to describe specifically the land so excluded. From the time of making such order, the lands so excluded shall be deemed no longer included in the district, but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded, nor shall it in any way limit the authority of the board to levy taxes for the payment

of principal and interest under the terms of any contract approved by the voters or of bonds theretofore voted or issued by the district. The chairman of the board shall certify that such order has been adopted to the Secretary of State and to the County Recorder of Yolo County. Upon receipt of the certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the adoption of such order and the exclusion of the area from the district. A copy of such certificate shall be transmitted to and filed with the County Clerk of Yolo County.

Construction

SEC. 33. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

Severability

SEC. 34. 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 of such provision to other persons or circumstances, shall not be affected thereby.

Short title

SEC. 35. This act shall be known as the "Yolo County Flood Control and Water Conservation District Act."

CHAPTER 1658

An act to add Section 402b to the Penal Code, relating to refrigerators, iceboxes and chests of similar construction.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 402b is added to the Penal Code, to read:

Abandonment etc., of icebox etc.

402b. Any person who discards or abandons in any place accessible to children, any refrigerator or icebox, having a capacity of one and one-half cubic feet or more, with an attached lid or door which may be opened and fastened shut by means of an attached latch, or being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or chest to remain there in such condition, is guilty of a misdemeanor and shall be punished by a fine of not more than fifty dollars ($50) or by imprisonment in the county jail for not more than five days, or by both; provided, that guilt of a violation of this section shall not, in itself, render one guilty of manslaughter, battery or other crime against a person who may suffer death or injury from entrapment in such icebox or refrigerator.

CHAPTER 1659

An act to amend Sections 2715 and 2713 of the Business and Professions Code, relating to nursing education and directories of nurses.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 2715 of the Business and Professions Code is amended to read:

Prosecution

2715. The board shall prosecute all persons guilty of violating the provision of this chapter.

Employment

The board, in accordance with the provisions of the civil service law, may employ such personnel as it deems necessary to carry into effect the provisions of this chapter.

Seal

The board shall have and use a seal bearing the name "Board of Nurse Examiners of the State of California" and may from time to time adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter.

SEC. 2. Section 2713 of said code is amended to read:

Record

2713. The board shall keep a record of all its proceedings, including a register of all applicants for licenses under this chapter and the action of the board upon each application.

Distribution of directories

The board may distribute copies of its alphabetical and geographical directories of nurses without charge to agencies of the United States, of this State and of the counties and municipalities therein, to hospitals in this State, and to organizations chartered by the United States or by this State which are composed of or employ licensed professional nurses. Except as otherwise provided in this section, distribution of such directories shall be made in accordance with Section 161 of this code.

CHAPTER 1660

An act to amend Sections 9351, 9355, 9355.1, 9359, and 9359.1 of the Government Code, relating to the retirement of legislators and other state elective officers.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 9351 of the Government Code is amended to read:

"Service"

9351. "Service" means the period of time, computed in years and fractions thereof, a member has held office as a Member of the Senate or of the Assembly or as an elective officer of the State in any office provided for by the Constitution, except that of judge.

In computing years of service under this act, each full term served as a Member of the Senate shall be deemed to constitute four (4) calendar years, each full term served as a Member of the Assembly shall be deemed to constitute two (2) calendar years, and each full term served as an elective officer of the State whose office is provided for by the Constitution shall be deemed to constitute four (4) calendar years. Computation of service

SEC. 2. Section 9355 of said code is amended to read:

9355. Every legislator in office on the effective date of the Statutes of 1951 may file with the board at any time prior to January 1, 1952, a written election to become a member of this system. Every legislator elected thereafter may file such an election within 90 days after the commencement of the first term of office for which he is elected. Upon the filing of the election he becomes a member of this system on the first day of the month following the filing of the election Election to become member

All elections heretofore filed by the board, or offered to the board for filing, and every written statement to the board of a legislator by which he has indicated his intention to become a member of this system, whether filed by the board or refused filing, is hereby validated and shall be deemed a full compliance with this section.

SEC. 3. Section 9355 1 of said code is amended to read:

9355.1. A person ceases to be a member of this system: Cessation of membership

(a) Upon retirement pursuant to this chapter.

(b) Upon death.

(c) Except as provided in Section 9355 2 or while absent on military service, on the thirty-first day after he ceases to be a legislator.

(d) Upon resignation from membership in this system.

SEC. 4. Section 9359 of said code is amended to read:

9359. Upon his written application therefor to the Board of Administration, (a) any member of this system who was a member on the effective date of this amendment who has attained age 63, (b) any member who hereafter becomes a member of this system who has attained age 63 and who is entitled to be credited with six (6) or more years of service, or (c) any member, regardless of age, who is entitled to be credited with twenty (20) or more years of service, shall be retired, and thereafter shall receive for life the retirement allowance provided in this chapter. Retirement

A written application for retirement may be filed at any time during the term of office of the member, or within thirty (30) days after the expiration of his term of office. Any application which does not specify a different date as the effective date of retirement applied for shall be deemed to be an application for retirement as of the day following the expiration of the term of office of the member.

SEC. 5. Section 9359.1 of said code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Retirement allowance

Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years In no event shall any retirement allowance payable under this chapter to any such member exceed seventy-five percent (75%) of the compensation payable to Members of the Legislature at the time the payment of the allowance is made.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. In no event shall any retirement allowance payable under this chapter to any such member exceed forty percent (40%) of the compensation payable, at the time the payment of the allowance is made, to the officer holding the office which the retired member last held prior to his retirement.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater.

CHAPTER 1661

An act to amend Section 1300.1 of the Agricultural Code, relating to processors of agricultural products and their agents.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1300.1 of the Agricultural Code is amended to read:

1300.1. No person shall act as a processor or agent without having first obtained a license as provided in this chapter. Every person, before acting as a processor, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of forty dollars ($40). License required

Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership.

The director, in his discretion, may require a like showing of character, responsibility, and good faith by any person hereinabove referred to when making application for renewal of a pre-existing license.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 6, Division 6, of the Agricultural Code

Every person before acting as an agent, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of two dollars and fifty cents ($2.50).

Processor's application for license

Processor: Each application shall state:

(a) The full name of the applicant;

(b) If the applicant be a firm, exchange, association or corporation the full name of each member of the firm, or the names of the officers of the exchange, association or corporation;

(c) The principal business address of the applicant in the State of California;

(d) The name or names of the person or persons authorized to receive and accept service of summons for the applicant.

Issuance of license

Upon the filing of such application and the payment of such fee the director shall issue to such applicant a license entitling the applicant to conduct the business of processor within the State of California for a year from the date thereof, or until the same shall have been revoked in the manner and upon the grounds hereinafter specified.

Renewal penalty

Should any processor fail, refuse or neglect to apply for the renewal of an existing license on or before the date of expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee, and shall be paid by the applicant before the renewal license may be issued.

Agent's application for license

Agent: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of the applicant, the name and address of the processor represented or sought to be represented by said agent, and the written endorsement or nomination of such processor.

Issuance of license and card

Upon the filing of the application and fee as herein provided, the director shall issue to the applicant a license entitling the applicant to conduct the business described in the application. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the agent acts, or until revoked in the manner and upon the grounds hereinafter specified, whichever first occurs. The director may issue to each agent a separate license card for each processor represented by the agent. Any agent who displays a void or expired license card is guilty of a misdemeanor.

Expiration

CHAPTER 1662

An act to repeal Section 1628a of the Business and Professions Code, relating to examinations for admission to the practice of dentistry.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 1628a of the Business and Professions Code is hereby repealed.

CHAPTER 1663

An act to change the name of the California Vocational Institution to the Deuel Vocational Institution by amending the title of Article 4, Chapter 1, Title 1, Part 3 of the Penal Code, and by amending Sections 2035 to 2041 of said code.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The title of Article 4, Chapter 1, Title 1, Part 3 of the Penal Code is amended to read:

Article 4. The Deuel Vocational Institution

SEC. 2. Section 2035 of said code is amended to read:

2035. There is hereby established an institution for the confinement of males under the custody of the Director of Corrections and the Youth Authority to be known as the Deuel Vocational Institution. Deuel Vocational Institution

SEC. 3. Section 2036 of said code is amended to read:

2036. The Deuel Vocational Institution shall be an intermediate security type institution. Its primary purpose shall be to provide custody, care, industrial, vocational and other training, guidance and reformatory help for young men, too mature to be benefited by the programs of correctional schools for juveniles and too immature in crime for confinement in prisons. Same Purpose

SEC. 4. Section 2037 of said code is amended to read:

2037. There may be transferred to and confined in the Deuel Vocational Institution any male, subject to the custody, control and discipline of the Director of Corrections or the Youth Authority, whom the Adult Authority or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority such person is deemed not to be a person convicted of a crime, the transfer or placement of such person in the Deuel Vocational Institution shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of this code shall apply to any person who has served a term in the Deuel Vocational Institution after transfer thereto by the Adult Authority. Inmates

SEC. 5. Section 2038 of said code is amended to read:

2038. The Director of Corrections shall make rules and regulations for the government of the Deuel Vocational Institution and the management of its affairs. Rules and regulations

SEC. 6. Section 2039 of said code is amended to read:

2039. The Director of Corrections shall appoint, subject to civil service, a superintendent for the Deuel Vocational Institution, and such officers and employees as may be necessary, and shall fix their compensation. Officers

Construction, etc., of buildings, etc

SEC. 7. Section 2040 of said code is amended to read:

2040. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures, and facilities for the Deuel Vocational Institution.

SEC. 8. Section 2041 of said code is amended to read:

Law applicable

2041. The provisions of Part 3 of this code apply to the Deuel Vocational Institution and to the persons confined therein so far as such provisions may be applicable. Whenever the name California Vocational Institution appears in any statute, it shall be deemed for all purposes to refer to the Deuel Vocational Institution.

CHAPTER 1664

An act to amend the heading of Article 5.1, and to add Article 5.2 to, Chapter 11, Division 2, of the Education Code; to add Section 3534 to said code; and to repeal Section 4919.2 of said code, relating to school districts.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 5.1, Chapter 11, Division 2 of the Education Code is amended to read:

Article 5.1. Formation of County-wide Union High School District Including a Unified School District

SEC. 2. Article 5.2 is added to Chapter 11, Division 2 of said code, to read:

Article 5.2. Formation of Union High School District Including a Unified School District

Formation of union high school districts

3541. The formation of a union high school district to include the territory of a unified school district formed pursuant to Chapter 14 and the territory of a contiguous union high school district within the same county is hereby authorized but may be effected only as a reorganization under Chapter 16 of this division.

Effect of formation

3542. Upon the formation of a union high school district pursuant to this article, any union high school district and any unified school district comprising only elementary school districts and high school districts included therein shall cease to exist and the elementary school district or districts theretofore merged into such unified school district shall be and become a single elementary school district.

Same

3543. The property, funds, and obligations of each union high school district included within a union high school district formed under this article shall become the property, funds, and obligations of such union high school district formed under

this article. The property, funds, and obligations of any unified school district included within the union high school district formed pursuant to this article used, received by, or incurred, respectively, for high school purposes shall become the property, funds, and obligations of the union high school district.

Formation election

3544. After the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts calling for the formation of a union high school district pursuant to this article, an election for the formation of such district shall be called, held, and conducted pursuant to Article 3 of this chapter, except that the formation shall not be effected unless a majority of all votes cast in each unified district included in the proposed union high school district are cast for the formation of the union high school district.

SEC. 3. Section 3534 is added to said code, to read:

Same

3534. After the approval by the State Board of Education of plans and recommendations of a county committee for the reorganization of school districts calling for the formation of a union high school district pursuant to this article, an election for the formation of such district shall be called, held, and conducted pursuant to Article 3 of this chapter, except that the formation shall not be effected unless a majority of all votes cast in each unified school district included in the proposed union high school district are cast for the formation of the union high school district.

Repeal

SEC. 4. Section 4919.2 of said code is repealed.

CHAPTER 1665

An act to amend Section 117 of the Labor Code, relating to offices and rooms for the Industrial Accident Commission.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Labor Code is amended to read:

Commission offices, etc.

117. The principal office of the commission shall be in San Francisco, and the commission shall also have an office in the City of Los Angeles and provide itself with suitable rooms, necessary office furniture, stationery, and supplies. The commission may rent quarters in other places for the purpose of holding sessions or establishing branch or service offices, and for that purpose may provide itself with necessary furniture, stationery, and supplies.

The Department of Finance shall upon request provide suitable hearing rooms for the commission in state buildings at Sacramento.

CHAPTER 1666

An act to amend Sections 9501, 9508, 9509, 9510, and 9513 of, and to add Sections 9522.1, 9522.2, 9522.3, 9522.4, 9522.5, 9522.6, 9522.7, 9522.8, 9522.9, 9522.10, 9522.11, 9522.12, 9522.13, 9522.14, 9522.15, 9522.16, and 9522.17 to, the Business and Professions Code, relating to dry cleaning.

In effect September 22, 1951

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 9501 of the Business and Professions Code is amended to read:

Definitions

9501. "Cleaning" and "dry cleaning" mean the process of cleaning or renovating wearing apparel, feathers, furs, hats, fabrics, or textiles by immersion and agitation, or immersion only, in a volatile, commercially moisture-free solvent, or by the use of a volatile or inflammable product, applied either manually or by means of a mechanical appliance.

"Cleaning" and "dry cleaning" includes "wet cleaning," "spotting," "pressing" and "finishing" as herein defined, whenever, and to the extent, necessary to complete the dry cleaning process of the garment in accordance with standards set forth in Sections 9564 and 9566 of this chapter, and in all transactions in which the words "dry cleaning" and "cleaning" are used or implied, the same shall be deemed to include all such processes, unless such processes, or one or more of the same, are expressly excluded by agreement between the licensee and the customer or by advertising, solicitation, or offer using or implying the same.

When the garment is a fur, fur garment, or a garment to which fur is attached, "dry cleaning" and "cleaning" also includes the use of sawdust or other similar solid materials mixed with noninflammable solvents, applied manually, with a mechanical device, or a fur-cleaning drum and glazing of fur and cleaning of lining.

SEC. 2. Section 9508 of said code is amended to read:

"Service outlet"

9508. "Service outlet" means any premises, business, building, room, shop, store, or establishment in, upon, or through which a spotting, sponging, dry cleaning, or pressing or other finishing service in respect to wearing apparel, feathers, furs, hats, fabrics, or textiles is sold or bartered, or offered for sale or barter, or made an obligation or condition of a sale or barter, directly to the public.

SEC. 3. Section 9509 of said code is amended to read:

"Service inlet"

9509. "Service inlet" means any premises, business, building, room, shop, store, or establishment used for collecting or receiving wearing apparel, feathers, furs, hats, fabrics, or

textiles as to which a spotting, sponging, dry cleaning, or pressing or other finishing service is to be performed.

SEC. 4. Section 9510 of said code is amended to read:

9510. Any advertisement of the service of dry cleaning, spotting, sponging, or pressing constitutes prima facie evidence that the premises, business, building, room, shop, store, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet. Effect of advertisement

SEC. 5. Section 9513 of said code is amended to read:

9513 "Approved" means approved by the State Board of Dry Cleaners. "Approved"

SEC. 6. Section 9522.1 is added to said code, to read:

9522.1. "Garment" means and includes wearing apparel, feathers, furs, hats, fabrics, or textiles which are or may be the subject of any transaction contemplated by this chapter, and includes the plural as well as the singular. Garments of more than one piece, commonly referred to as a unit, such as two- or three-piece suits, plain dresses, and overcoats, unless otherwise indicated, shall be deemed a "garment" when referred to herein, or in any transaction by any minimum price order of the board. "Garment"

SEC. 7. Section 9522.2 is added to said code, to read:

9522.2. "Transaction" includes sale, offer, solicitation, advertising, account, agreement, settlement and release. "Transaction"

SEC. 8. Section 9522.3 is added to said code, to read:

9522.3. "Wet cleaning" means the process of cleaning a garment by immersion in water, or by applying manually or by any mechanical device, water, or any detergent and water, or by spraying or brushing the garment with water or water and any detergent, or water vapor, or steam. "Wet cleaning"

SEC. 9. Section 9522.4 is added to said code, to read:

9522.4. "Spotting" means the process of removing spots or stains or localized areas of soil from a garment, either before or after, and with or without drycleaning or wet cleaning, by brushing, spraying, or other means of manual or mechanical application, other than immersion, with water, detergents and volatile or inflammable solvents, or chemicals, or any, or all, of them. "Spotting"

SEC. 10. Section 9522.5 is added to said code, to read:

9522.5. "Pressing" means the process of restoring the garment to the original shape, dimensions or contour thereof, or to those in which the same was received from the customer, or as directed by the customer, and the removal of wrinkles, stresses, bulges, and impressions, imprint marks and shine, from a garment by the application of pressure, heat, moisture, water vapor or steam, or all of them, whether applied manually or by any mechanical means. "Pressing"

SEC. 11. Section 9522.6 is added to said code, to read:

9522.6. "Spotting and pressing" means the application to a garment of the processes of spotting and pressing. "Spotting and pressing"

SEC. 12. Section 9522.7 is added to said code, to read:

"Finishing" 9522.7. "Finishing" means and includes the making of minor repairs and restorations, reaffixing, replacing or restoring buttons and other fastening devices and decorative materials to the garment, and the marking, tagging, packaging and inspection of the garment after completion of one or more of the processes herein defined as requested by the customer.

SEC. 13. Section 9522.8 is added to said code, to read:

"Customer" 9522.8. "Customer" means a person requesting that a transaction be performed for him by a licensee.

SEC. 14. Section 9522.9 is added to said code, to read:

"Consumer" 9522.9. "Consumer" means a customer, other than a licensee or employee of a licensee, seeking, requesting or procuring any transaction herein defined or referred to for his personal or family use and not for resale.

SEC. 15. Section 9522.10 is added to said code, to read:

"Plant" 9522.10. "Plant" means an establishment defined in Section 9507.

SEC. 16. Section 9522.11 is added to said code, to read:

"Retail plant" 9522.11. "Retail plant" means a plant, the gross sales of which consist of 51, or a greater, percent of direct sales to consumers.

SEC. 17. Section 9522.12 is added to said code, to read:

"Wholesale plant" 9522.12. "Wholesale plant" means a plant, the gross sales of which consist of 51, or a greater, percent of sales to licensees.

SEC. 18. Section 9522.13 is added to said code, to read:

"Retail" 9522.13. "Retail," when referring to a transaction, means a transaction by a licensee directly with a consumer.

SEC. 19. Section 9522.14 is added to said code, to read:

"Wholesale" 9522.14. "Wholesale," when referring to a transaction, means a transaction between licensees.

SEC. 20. Section 9522.15 is added to said code, to read:

"Wholesale clean only" 9522.15. "Wholesale clean only" means drycleaning by immersion and agitation in a volatile solvent with a sufficient flow of clean solvent to secure the complete removal of solvent-soluble soil, and shall include extraction and tumbling or drying, but shall not include any of the processes of spotting, wet cleaning, pressing or finishing, or other processes herein defined.

SEC. 21. Section 9522.16 is added to said code, to read:

"Cash and carry" 9522.16. "Cash and carry" means a transaction in which the customer delivers the garment to the licensee directly, and accepts redelivery directly from the licensee's licensed establishment, and with or without credit.

SEC. 22. Section 9522.17 is added to said code, to read:

"Call and deliver" 9522.17. "Call and deliver" means a transaction in which the licensee receives and redelivers the garment to the customer at a place other than the licensee's licensed establishment as designated by the customer, with or without credit.

CHAPTER 1667

An act to add Article 7, comprising Sections 9140 to 9143, to Chapter 1 of Part 1 of Division 2, Title 2 of the Government Code, relating to legislative committees.

[Approved by Governor July 19, 1951. Filed with Secretary of State July 23, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Article 7 is added to Chapter 1 of Part 1 of Division 2, Title 2 of the Government Code, to read as follows:

Article 7. Joint Legislative Budget Committee

Joint Legislative Budget Committee

9140. The Joint Legislative Budget Committee is hereby created. The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, the organization and functions of the State, its departments, subdivisions and agencies, and such other matters as may be provided for in the Joint Rules of the Senate and Assembly. The committee has a continuing existence and may meet, act and conduct its business at any place within this State, during the sessions of the Legislature or any recess thereof, and in the interim period between sessions.

Members of committee

9141. The committee shall consist of five Members of the Senate and five Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee between general sessions of the Legislature shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not re-elected at the general election.

Powers and duties

9142. The committee is authorized to make rules governing its own proceedings and to create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee and it shall have such powers, duties and responsibilities as the Joint Rules of the Senate and Assembly shall from time to time prescribe, and all the powers conferred upon committees by Section 37, Article IV, of the Constitution.

Legislative auditor, etc.

9143. The committee shall have authority to appoint a legislative auditor and such other clerical and technical employees as may appear necessary, pursuant to the provisions of subsection (4) of subdivision (a) of Section 4, Article XXIV

of the Constitution. The funds for the support of the committee shall be provided from the Contingent Funds of the Senate and the Assembly in the same manner that such funds are made available to other joint committees of the Legislature.

CHAPTER 1668

An act to provide for the creation of the Los Angeles Metropolitan Transit Authority and prescribing the powers and duties thereof; authorizing the authority to construct and operate an interurban rapid transit system; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; and providing for the expenditure of such proceeds and all revenues received from the operation of the system to the uses and purposes set forth herein.

In effect September 22, 1951

[Approved by Governor July 20, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

CHAPTER 1. POLICY: TITLE OF ACT

State policy

SEC. 1.1. It is hereby declared to be the policy of the State of California to develop interurban rapid transit systems in the various metropolitan areas within the State for the benefit of the people. A necessity exists within a portion of Los Angeles County for such a system. Because of the numerous separate municipal corporations and unincorporated populated areas in that portion of Los Angeles County within the area of the entire San Fernando Valley west of the west boundary of the City of Glendale, and within four (4) miles on each side of the main channel of the Los Angeles River from San Fernando Valley to the mouth of the river at Long Beach, only a specially created authority can operate freely in said portion of that county. Because of the unique problem presented by that portion of the county and the facts and circumstances relative to the establishment of an interurban rapid transit system therein, the adoption of a special act and the creation of a special authority is required.

Short title

SEC. 1.2. This act shall be known and cited as the "Los Angeles Metropolitan Transit Authority Act."

CHAPTER 2. DEFINITIONS

Construction

SEC. 2.1. When the terms defined in this chapter are used in this act, they have the meanings ascribed to them in this chapter unless the context of this act expressly provides to the contrary.

"Authority"

SEC. 2.2. "Authority" means the Los Angeles Metropolitan Transit Authority created by this act.

SEC. 2.3. "Bonds" means the written evidence of any obligation incurred by the authority payable out of revenues as provided in this act in order to secure funds with which to carry out the purposes of this act irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority. "Bonds"

SEC. 2.4. "Indenture" means an agreement entered into by the authority pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument. "Indenture"

SEC. 2.5. The term "bondholder" or "holder of bonds" or any similar term means any person who shall be the bearer of any outstanding revenue bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding revenue bond or bonds which shall at the time be registered other than to bearer. "Bondholder," etc

SEC. 2.6. "County" means Los Angeles County, State of California, the boundaries of which are established by Section 23119 of the Government Code of the State of California. "County"

SEC. 2.7. "Rapid transit" means transportation of passengers, mail and hand baggage in, through or between any two or more municipal corporations or unincorporated populated areas or municipal corporations and unincorporated populated areas, within the area of the entire San Fernando Valley west of the west boundary of the City of Glendale, and within four (4) miles on each side of the main channel of the Los Angeles River from San Fernando Valley to the mouth of the river at Long Beach, by means of suspended overhead monorail on routes which the California Public Utilities Commission has first determined are required by public convenience and necessity, together with any supplemental feeder bus lines which established common carriers of passengers serving the area decline to provide after that commission has determined they are required by public convenience and necessity. "Rapid transit"

SEC. 2.8. "System" means all real and personal property, licenses, franchises, patents, rights and interests owned or held or to be owned or held by the authority for rapid transit "System"

SEC. 2.9. "Revenues" means all rates, fares, tolls, rentals or other income and revenue actually received or receivable by or for the account of the authority from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority. "Revenues"

SEC. 2.10. "Governor" means the Governor of the State of California. "Governor"

SEC. 2.11. The term "person" as used in this act includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator "Person"

for any thereof, but does not include this State or any public corporation, as defined in this act.

"Public corporation"

SEC. 2.12. The term "public corporation" as used in this act means any county, city and county, city, town, municipal corporation, district of any kind or class, or political subdivision of this State, and also any agency or authority of this State.

Construction

SEC. 2.13. As used in this act:

(a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

"Public Utilities Act" Stats 1951, Ch 764

SEC. 2.14. The "Public Utilities Act" as used in this act means the Public Utilities Code upon its taking effect. The authority shall be deemed a public utility within the provisions of the Public Utilities Act.

CHAPTER 3. CREATION AND ORGANIZATION OF AUTHORITY

"Los Angeles Metropolitan Transit Authority"

SEC. 3.1. There is hereby created the "Los Angeles Metropolitan Transit Authority."

Public corporation

SEC. 3.2. The authority is a public corporation of the State of California. The authority in all respects shall be subject to the same regulations, restrictions and restraints as if it were a privately owned and operated carrier and shall be subject to the jurisdiction of the Public Utilities Commission and all other laws applicable to privately owned and operated carriers.

Power, etc: Limitation

SEC. 3.3. The powers and activities of the authority are limited to the county. The territorial limits of the authority shall not be diminished or decreased so long as any bonds issued under this act are outstanding and unpaid.

Members Appointment, term

SEC. 3.4. The authority is composed of seven members, all of whom shall be appointed by the Governor. The terms of four of the initial members of the authority, as designated by the Governor, shall expire two years from the date of their appointment. The remaining three initial members of the authority shall be appointed by the Governor to serve for a full term of four years from the date of their appointment. The successors of the members of the authority initially appointed shall be appointed to serve for a full term of four years. Any member appointed to serve in lieu of any member on account of death, resignation, or disability of such member shall serve only for the unexpired term of such member. Each member of the authority shall hold office for the term for which he was appointed and until his successor has been appointed and qualified. The initial members of the authority shall be appointed by the Governor within sixty (60) days after the effective date of this act.

Qualifications, compensation, etc.

SEC. 3.5. Each member of the authority shall be, and shall hold office only so long as he is, a resident of and registered voter in the county. Each member of the authority shall be paid

the sum of twenty dollars ($20) for each meeting attended, but not to exceed one hundred dollars ($100) in any calendar month, and shall be reimbursed for actual necessary traveling and other expenses incurred by him in the performance of his duties, payable exclusively out of the funds of the authority available therefor. No member of the authority shall be allowed any other fees, perquisites or emoluments, reward or compensation for his services as a member of the authority.

Organization

SEC. 3.6. The authority shall appoint a chairman, who shall be a member of the authority, and shall also appoint a secretary and a treasurer. The secretary may be a member of the authority. The treasurer shall not be a member of the authority and shall not be engaged in any other business or employment during his tenure of office. The authority may appoint a general manager, who may be a member of the authority, and who shall be a man of recognized ability and experience, to hold office during the pleasure of the authority. The general manager shall have management of the properties and business of the authority and the employees thereof, subject to the general control of the authority, shall direct the enforcement of all resolutions, rules and regulations of the authority, and shall perform such other duties as may be prescribed from time to time by the authority. The authority may appoint a general attorney and a chief engineer, and shall provide for the appointment of other officers, attorneys, engineers, consultants, agents and employees as may be necessary for the construction, extension, operation, maintenance, and policing of the system. It shall define their duties and require bonds of such of them as the authority may designate. The compensation of the general manager, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be fixed by the authority, and such compensation shall be paid out of funds of the authority available for that purpose. The authority may employ a fiscal agent or adviser and may retain the services of such agents as may be deemed advisable to assist in the sale and distribution of the authority's bonds or the underwriting thereof.

Treasurer's bond

SEC. 3.7. The treasurer shall execute a bond with corporate sureties to be approved by the authority. The bond shall be payable to the authority in whatever penal sum may be directed by the authority conditioned upon the faithful performance of the duties of the office and the payment of all money received by him according to law and the orders of the authority. The authority may, at any time, require a new bond from the treasurer in such penal sum as may then be determined by the authority. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any national or state bank wherein the treasurer has deposited funds if the bank has been approved by the authority as a depositary for such funds. All funds deposited by the treasurer in any bank shall be placed in the name of the authority and shall be withdrawn or paid out only by check or draft

Deposit of funds

upon the bank, signed by the treasurer and countersigned by the chairman or general manager of the authority. The authority may designate any of its members or any officer or employee of the authority to affix the signature of the chairman and another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for the payment of any other obligation of not more than two thousand five hundred dollars ($2,500). In case any officer whose signature appears upon any check ceases to hold his office before the delivery thereof to the payee, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof.

Quorum

SEC. 3.9. A majority of the members of the authority constitute a quorum for the transaction of business and may act for the authority.

Meetings, etc

SEC. 3.10. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt and may act without a meeting by an instrument in writing signed by all members of the authority. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

Office

SEC. 3.11. The authority shall maintain an office in the City of Los Angeles, Los Angeles County, State of California.

Seal

SEC. 3.12. The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal by printed or lithographed facsimile thereof. Any executed instrument bearing the seal of the authority shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority.

CHAPTER 4. GENERAL POWERS

Powers of authority

Perpetual succession

SEC. 4.1. The authority has perpetual succession.

Suit

SEC. 4.2. The authority may sue and be sued in all courts of competent jurisdiction.

Acquisition, etc., of property

SEC. 4.3. The authority may acquire by grant, purchase, gift, devise or lease, and may hold, use, sell, lease or dispose of, any real and personal property, licenses, franchises, patents, rights and interests necessary for the full exercise, or convenient or useful for the carrying on of, any of its powers pursuant to the provisions of this act. Wherever under then existing statute, ordinance or law a franchise, permit, license or authorization is required for a public utility, then this authority shall acquire a similar franchise, permit, license or authorization in the same manner and pursuant to the same procedure, terms and conditions as are required of a public utility.

Acquisition, etc., of patents, etc

SEC. 4.4 The authority shall have power to acquire, construct, complete, develop, own, operate and maintain the system in the county; including power to acquire by purchase, lease, gift or otherwise all or any part of any patents, licenses, rights, interests, engineering studies, data or reports owned or held by

any person and determined by the authority to be necessary, convenient or useful to the authority in connection with the acquisition, construction, completion, development, ownership, operation or maintenance of the system

Agreements for use of property

SEC. 4.5. The authority shall have power to enter into agreements for the joint use of any property and rights by the authority and any public utility operating any transportation facilities; to enter into agreements with any public utility operating any transportation facilities either within or without the county for the joint use of any property of the authority or public utility, or the establishment of through routes, joint fares and transfer of passengers.

Eminent domain

SEC. 4.6. The authority may exercise the right of eminent domain for the condemnation of real property or any right or interest therein for its use within the county, including the power to acquire real property in fee simple or any lesser estate or interest for rights of way or other uses of the authority. No publicly owned property shall be taken, or condemnation proceedings instituted therefor, without the consent of the public agency or public corporation owning or controlling such publicly owned property, nor shall any privately owned public utility be taken or condemned without consent of such utility.

Construction, etc., over public street, etc

SEC. 4.8. The authority shall have power to construct, operate and maintain the system in, under, upon, over, across or along any public street, highway, or waterway under agreement with or franchises from the United States of America or the State of California, the county, district, or the governing body of the municipal corporation which has jurisdiction over such street, highway or waterway, and in, under, upon, over or across any vacant public lands which are or may become the property of the United States of America, the State of California, the county or any public corporation in the county by agreement with the United States of America, the State, the county or such public corporation. In the event the use by the authority of any existing public street or highway or crossings thereof or removal of public utilities necessitates changes therein or expenditures, the cost thereof shall be borne by the authority.

Fixing rates, etc.

SEC. 4.9. Subject to the jurisdiction of the Public Utilities Commission, the authority may fix rates, fares, tolls, charges, rents or other charges for the use of the system acquired, constructed, operated or maintained by the authority and may alter, change or modify the same in accordance with any contractual obligation which may be entered into by the authority with respect to the fixing of such rates, fares, tolls, charges and rents.

Same

SEC. 4.10. Subject to the jurisdiction of the Public Utilities Commission, the authority may enter into covenants to maintain minimum rates, fares or charges, or rates, fares or charges sufficient to service the outstanding obligations of the authority, if any; and it may also enter into covenants to increase rates, fares or charges from time to time as may be neces-

sary pursuant to any such contract or agreement with the holders of any obligations of the authority.

Contracts with United States, etc

SEC. 4.11. The authority may contract with any department or agency of the United States of America or of the State of California or with any public corporation upon such terms and conditions as the authority finds is for the authority's best interests.

Contracts with persons, etc

SEC. 4.12. Subject to the provisions of the Public Utilities Act and authorization pursuant thereto from the Public Utilities Commission, the authority may make contracts, leases and agreements with any person or public corporation and may generally perform all acts necessary for the full exercise of the powers vested in it.

Sale, etc., of assets

SEC. 4.13. Subject to the provisions of the Public Utilities Act and authorization pursuant thereto from the Public Utilities Commission, the authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after the purposes for which they were acquired have been fully satisfied. It may sell, lease or otherwise dispose of, at any time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act.

Grants, etc., from Federal Government, etc

SEC. 4.14. The authority shall have power to apply for and accept grants and loans from the Federal Government or any agency or instrumentality thereof to be used for any of the purposes of the authority and to enter into any agreement with the Federal Government in relation to such grants or loans; provided, that such agreement does not conflict with any of the provisions of any resolution securing the payment of bonds of the authority.

Rules and regulations

SEC 4.15. The authority shall by resolution make all rules and regulations governing the use, operation and maintenance of the system and shall determine all routings and change the same whenever it is deemed advisable by the authority, subject to the provisions of all ordinances granting franchises to the authority.

Lease, etc., of system

SEC. 4.16. Subject to the provisions of the Public Utilities Act and authorization pursuant thereto from the Public Utilities Commission, the authority shall have power to lease the system or any part thereof to, or contract for the use of the system or any part thereof by, any operator.

Disposition of funds

SEC. 4.17. The authority shall have power to deposit any moneys of the authority, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund created by any indenture or any surplus in the treasury of the authority not required for its immediate needs, in accordance with the general laws of the State of California relating to investments of county funds.

SEC. 4.18. The authority shall not have power to levy taxes for any purpose whatsoever. Taxation

SEC. 4.19. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this act Rules and regulation

SEC. 4.20. One of the purposes of this act is to coordinate any operations of the authority with the operations of any existing transit facilities. Purpose of act

SEC. 4.21. The authority shall pay to each public corporation in which property of the authority is situated an amount equal to the amount which would be paid in taxes and assessments on such property if it were privately owned. The amount of such payments shall be computed in the same manner as taxes or assessments on such property would be computed if it were privately owned, except that for this purpose the property of the authority shall be valued at appropriate times by the State Board of Equalization, and its determination thereof shall be final. This section shall not be applicable to bonds issued by the authority. Payment in lieu of taxation

CHAPTER 5. REVENUE BONDS

SEC. 5.1. The authority may issue revenue bonds for the acquisition, construction or completion of the system or any part thereof. The total amount of revenue bonds that may be issued by the authority shall not be limited as to aggregate principal amount, except as the authority may provide in any resolutions relating to the issue of any revenue bonds hereunder. Revenue bonds

SEC. 5.2. The purpose, nature and extent of each separate improvement comprising a part of the system shall be described in general terms prior to the issuance of any bonds. Description of improvements

SEC. 5.3. The validity of the authorization and issuance of any revenue bonds by the authority is not dependent on nor affected in any way by: Bond validity

(a) Proceedings taken by the authority for the acquisition, construction or completion of the system or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of the system or any part thereof.

(c) The failure to complete any part of the system for which bonds are authorized to be issued.

SEC. 5.4. The authority shall issue revenue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of the county or city or the State of California All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of the county or any city therein or the State. Revenue bonds

SEC. 5.5. The authority shall determine the time, form and manner of the issuance of revenue bonds. Same Time, form, etc.

Indentures

SEC. 5.6. The authority may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

Contents of indentures Necessary covenants, etc

SEC. 5.7. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the better security of the bonds issued thereunder.

Payment

SEC. 5.8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

Operation of system

SEC. 5.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to continuously operate the system acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

Repair, etc., of system

SEC. 5.10. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make all needful and necessary repairs, renewals and replacements to the system and to keep it at all times in good repair, working order and condition.

Preservation of security

SEC. 5.11. An indenture may include a clause relating to the bonds issued hereunder requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

Payment of charges

SEC. 5.12. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

Encumbrance prohibition

SEC. 5.13. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of any part of the system constructed from the proceeds of the bonds, or to enter

into any lease or agreement which impairs or impedes the operation of the system, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Collection of rates, etc

SEC. 5.14. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rates, fares, tolls, rentals or other charges in connection with the services and facilities furnished from the system or any part thereof, acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the system, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement.

Revenues as trust

SEC. 5.15. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

Proceeds of bonds

SEC. 5.16. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing or completing of the system or any part thereof.

Additional bonds

SEC. 5.17. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing the system or any part thereof.

Insurance

SEC. 5.18. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on the system, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

Default

SEC. 5.19. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the authority then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Breach of covenant, etc

SEC. 5.20. An indenture may include a clause designating the rights, limitations, power and duties arising upon breach by the authority of any of the covenants, conditions or obligations contained in any indenture.

Amendment, etc., of indenture

SEC. 5.21. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and

for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

Necessary acts, etc

SEC. 5.22. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

Bank, etc., as trustee

SEC. 5.23. The authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

Powers, etc., of trustee

SEC. 5.24. The authority shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

Issuance of bonds

SEC. 5 25. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue.

Same

SEC. 5.26. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

Interest rate

SEC. 5.27. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semi-

annually or in part annually and in part semiannually. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.

Callable bonds

SEC. 5.28. Bonds may be callable upon such terms, conditions, and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Payment of bonds

SEC. 5.29. The authority may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States of America.

Execution, etc., of bonds

SEC. 5.30. The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

Bond form

SEC. 5.31. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Terms, etc., of sale

SEC. 5.32. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values. All bonds issued and sold pursuant to this act shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation printed and published in the county. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale under such terms and conditions as it deems most advantageous to its own interests, but the bonds shall not be sold at a price below that of the highest bid which was rejected. The authority may contract loans and borrow money through the sale of bonds to the United

Loans from United States

States of America or any of its departments, agencies, or instrumentalities, upon such terms and conditions as may be agreed to and such bonds shall be subject to all other provisions of this act, except the requirement that bonds be sold on sealed proposals to the highest bidder after advertising for bids.

Bond security

SEC. 5.33. The authority may provide for the security of bonds The authority may also provide for the payment of bonds out of any appropriations or other funds contributed to the authority by the State of California, the United States of America, or by any department or agency of either thereof. However, nothing in this act shall obligate the State of California to make any appropriation for that purpose.

Interest payment

SEC. 5.34. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of the system or any part thereof for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Bonds as lien

SEC. 5.35. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of the system or any part thereof acquired, constructed or completed from the proceeds of such bonds as may be provided for in the indenture.

Interim bonds, etc

SEC. 5.36. Pending the actual issuance or delivery of revenue bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Tax exemption

SEC. 5.37. All bonds, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Refunding bonds

SEC. 5.38. The authority may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the authority. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

Same: Amount

SEC. 5 39. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or

retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotiability

SEC. 5.40. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

Investigation etc

Wat C., §20000, ff

SEC. 5.41. The bonds issued under this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Act as such act reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as is provided in the California Districts Securities Commission Act.

Action to determine validity of bonds

SEC. 5.42. Prior to the issuance of any bonds, the authority may commence in the Superior Court of the State of California, in and for the County of Los Angeles, a special proceeding to determine the right to issue the bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Sections 22670 to 22684, inclusive, of the California Water Code, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

Construction

SEC. 5.43. Nothing in this chapter shall affect or limit the jurisdiction and authority of the Public Utilities Commission as provided elsewhere in this act.

CHAPTER 6 ACQUISITION, CONSTRUCTION AND COMPLETION OF SYSTEM

Report on advisable acquisition

SEC. 6.1. Whenever in the judgment of the authority it is advisable that the system or any part thereof be acquired, constructed or completed, in whole or in part, it shall cause a report thereon to be made which shall include:

(a) An estimate of the probable cost of the acquisition, construction and completion, including all incidental expenses, engineering, legal and administrative, during construction;

(b) An estimate of the probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

Cost of report

The expense of the preparation of such report shall be paid by the authority out of any funds available, including the proceeds of revenue bonds thereafter issued.

Resolution of public interest and necessity

SEC. 6.2. If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction or completion of the system or part thereof, authorizing such acquisition, construction or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose.

Construction, etc., of system

SEC. 6.3. The authority has full charge of the acquisition, construction and completion of the system or any part thereof authorized by it and may proceed with such work forthwith.

Same

SEC. 6.4. The authority may construct the system or any part thereof and acquire all property necessary therefor on such terms and conditions as it deems advisable. The authority, without awarding a contract for the construction of the system or any part thereof, may do the work directly and may purchase materials, hire labor and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the Government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the system or any part thereof. Construction contracts entered into by the authority shall not be subject to the provisions of the State Contract Act and shall be governed solely by the provisions of this act, except that the provisions of Chapter 3, Division 5 of Title 1 of the Government Code are hereby expressly made applicable to the system or any part thereof under this act. Any such contracts may be entered into in such manner and upon such terms as the authority deems advisable.

Title to property

SEC. 6.5. Title to all property acquired by the authority, and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal or any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. The management, operation and control of the system and of every part thereof, acquired, constructed or completed by the authority shall be vested in the authority and the powers, rights, functions and duties of the authority with respect thereto shall not be interfered with, except that the authority and the property thereof is subject to the Public Utilities Commission to the same extent as a private utility and its property is.

Payment of system costs

SEC. 6.6. The authority may use for the payment of the acquisition and construction or completion of the system or any part thereof any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this act or the proceeds of revenue bonds issued and sold by the authority.

Insurance

SEC. 6.7. The authority may insure against any accident to or destruction of the system or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the system or any part thereof damaged, injured or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding unredeemed, as may be agreed upon by the authority in the resolution authorizing the issuance of the bonds.

Same

SEC. 6.8. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

Same

SEC. 6.9. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

CHAPTER 7. RATES, FARES, TOLLS, CHARGES AND FEES

Charges, etc.

SEC. 7.1. Pursuant to Sections 4.9 and 4.10, the authority shall fix the rates, fares, tolls and other charges for all transportation facilities comprising the system or any part thereof acquired, constructed or completed under the terms of this act, for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this act, the authority is authorized to change such rates, fares, tolls and charges from time to time as conditions warrant. All rates, fares, tolls and charges shall be at all times fixed to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding hereunder, as the same become due. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such rates, fares, tolls and charges and other revenues and interest thereon, and sinking funds created therefrom, received from the use and operation of the system; and all such rates, fares, tolls, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and, except as and to the extent provided in any indenture with respect to the payment therefrom of expenses for operation, maintenance, improvements or extensions of the system, shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The authority may provide that the rates, fares, tolls and charges established are minimum rates, fares tolls and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds are issued.

CHAPTER 9. RIGHTS OF BONDHOLDERS

Rights of bondholders

SEC. 9.1. The holder of any bond issued pursuant to this act may for the equal benefit and protection of all holders of bonds similarly situated (a) by mandamus or other appropriate proceeding, require and compel the performance of any of the duties imposed upon the authority or assumed by it, its officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the system, or the collection, deposit, investment, application and disbursement of rates, fares, tolls or charges and all other revenues derived from the operation and use of the system or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this act; (b) by action or suit in equity, require the authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds or apply for the appointment of a receiver of the system; or (c) by action or suit in equity, apply for the appointment of a receiver of the system and of the business and assets of the authority, if the authority is insolvent or in imminent danger of insolvency, or if in any other circumstances a receiver of the system may properly be appointed according to the usages of courts of equity. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this act.

CHAPTER 10. CONTRIBUTIONS AND COOPERATION

Contributions, etc., from United States

SEC. 10.1. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any county, city and county, city, political subdivision, agency, district or other public corporation of this State.

Cooperation, etc., with United States etc

SEC. 10.2. The authority may cooperate and contract with the United States under any act of Congress heretofore and hereafter enacted authorizing or permitting such cooperation. The authority may enter into any contract, arrangement or agreement with any other public agency and may cooperate with the State of California or any other public agency for the development of the system.

State cooperation, etc

SEC. 10.3. The State of California or any public corporation of this State may cooperate and enter into contracts with the authority for the acquistion, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of the system. In connection with any such cooperation or contract, the State or any such public corporation may make public contributions to the authority as in the judgment of the Legislature, or the governing board of the public corporation, are necessary or proper for its undertaking, and the authority may reimburse the State or such public corporation

for any such advance or contribution from the proceeds of the sale of revenue bonds or any other funds available to the authority. Any agreement made by the authority for such reimbursement of advances or contributions made to it shall be valid and enforceable against the authority. The State or any such public corporation may also authorize, aid and assist the authority to carry out any activity which the State or such public corporation is by law authorized to perform and carry out on its own behalf.

CHAPTER 11. FUNDS

Bond proceeds

SEC. 11.1. The proceeds from the sale of all bonds authorized under the provisions of this act may be paid upon the direction of the authority either to the treasurer of the authority as custodian of the special trust fund, which fund is created by Section 11.2 hereof, to be held for the account of the authority, or may be paid direct to any bank or trust company designated as the fiscal agent and depositary of the authority, as in this act provided.

Construction fund

SEC. 11.2. There is hereby created a fund to be known as the "Los Angeles Metropolitan Transit Authority Construction Fund," in the event the proceeds of the sale of bonds authorized under this act shall be paid to the treasurer of the authority. Such construction fund shall at all times be kept separate and apart from all other funds and shall be held by the treasurer as a special fund for the account of the authority. The moneys in the construction fund shall be paid out and disbursed solely for the construction of the system pursuant to the provisions of this act, including surveys, preparation or acquisition of plans and specifications, engineering reports and studies, patents, rights, licenses and interests, and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights of way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs as provided by the authority in the proceedings for the issuance of such bonds. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the construction fund.

Deposit of bond proceeds

SEC. 11.3 In the event the proceeds of the sale of bonds are deposited in a special construction fund in the custody of the treasurer, such moneys may be deposited as demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of county funds.

Construction fund surplus

SEC. 11.4. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the system or part thereof for which the revenue bonds were issued, the same may be paid out and disbursed for any of the purposes of the authority in addition to those for which it may be paid out and disbursed pursuant to Section 11.2 hereof, but subject to any agreement which may be made by the authority in any indenture for the issuance of

the revenue bonds with respect to the application of such surplus.

Bond proceeds

SEC. 11.5. In lieu of depositing the proceeds of sale of said bonds with the treasurer, the authority may, in any indenture for the issuance of bonds, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such revenue bonds and to hold the same to the credit of a fund to be designated as the "Los Angeles Metropolitan Transit Authority Construction Fund," which fund shall be kept segregated and set apart from all other funds and shall be paid out and disbursed solely upon the application and demand of the authority.

Payment of interest, etc.

SEC. 11.6. The authority may provide that the payment of interest becoming due and payable on the revenue bonds prior to and during the period of actual construction of the system or part thereof for which the bonds are issued, and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two (2) years after the completion of construction, and that the payment of all costs and expenses of administration during a period of one year after the completion of construction of the system or part thereof, shall be made out of the construction fund as the need therefor shall arise, and any moneys in the construction fund are hereby made available for such purposes

Investment of surplus funds

SEC. 11.7. Moneys in the construction fund, whether held by the treasurer or in any fiscal agency or depositary of the authority, not required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

Revenue receipts

SEC. 11.8. All revenues received from the operation of the system acquired or constructed or completed by the authority may be paid over by the authority either to the treasurer as custodian thereof or to any fiscal agent or depositary appointed by the authority.

Deposit of revenue receipts

SEC. 11.9. If the revenues are paid over by the authority to the treasurer, the same shall be held by the treasurer in a special fund and applied exclusively for the account of the authority. Said special fund is hereby designated "Los Angeles Metropolitan Transit Authority Revenue Fund." The moneys in the revenue fund shall be deposited by the treasurer in time or demand deposits in such depositary or depositaries as may be authorized by law to receive deposit of county funds, to the credit of the revenue fund, or may be invested in such bonds or obligations as are by law legal investments for county moneys, subject to such limitations and restrictions as may be provided in the resolution under which bonds of the authority are issued

and outstanding. Any income or interest received upon such deposits or investments shall be added to the revenue fund and inure to the benefit of the authority. The moneys in the revenue fund shall be paid out and disbursed for the payment of the principal of and interest on all bonds issued by the authority under the provisions of this act, as and when such principal and interest shall become due, and for the creation of any reserve fund or other special fund provided by the authority in the proceedings for the issuance of said bonds, and also for the payment of all costs and expenses for the maintenance and operation of the system, engineering, legal and administrative costs and for all repairs and replacements and other costs and expenses of the authority. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the revenue fund.

Same

SEC. 11.10. In lieu of deposit of the revenues received from the system with the treasurer, the authority may deposit all such revenues at any bank or trust company appointed depositary or fiscal agent of the authority in the proceedings for the issuance of the bonds, and if such fiscal agent or depositary is so appointed the authority shall provide for the collection of all revenues and for the receipt and disbursement thereof by the fiscal agent. The authority may, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees or fiscal agent or depositary shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depositary in the indenture or other proceedings for the issuance of the bonds.

CHAPTER 12. GENERAL AUTHORITY

Miscellaneous powers

SEC. 12.1. The authority, and its officers and agents may perform such acts and enter into such agreements with the authority, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this act, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing the system or any part thereof acquired, constructed or completed under this act, for the safeguarding of funds and revenues required for the purposes of this act, and for the payment of the revenue bonds issued pursuant to this act.

CHAPTER 13. CONSTRUCTION AND INTERPRETATION

Construction

SEC. 13.1. This act shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this act set forth.

Severability

SEC. 13.2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the

validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

Construction

SEC. 13.3. This act shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds or the creation of any other authority for any other purpose.

Legislative intent

SEC. 13.4. The Legislature, in placing the authority under the jurisdiction of the Public Utilities Commission and requiring it to make payments in lieu of taxes, has made exceptions to a long established policy because of the unique character of the authority and the particular circumstances and conditions requiring its creation It is not the intent of the Legislature that these exceptions be deemed, in any way, a precedent with respect to any other public corporation.

CHAPTER 1669

An act to amend Sections 270 and 278 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

In effect September 22, 1951

[Approved by Governor July 23, 1951 Filed with Secretary of State July 24, 1951]

The people of the State of California do enact as follows:

SECTION 1. Section 270 of the Vehicle Code is amended to read:

Refusal of license

270. Additional Grounds Requiring Refusal of License. The department shall not issue or renew an operator's or chauffeur's license to any person:

(a) When a license previously issued to such person hereunder has been suspended until the expiration of the period of such suspension unless such suspension was for a cause which has been removed.

(b) When a license previously issued to such person hereunder has been revoked until the expiration of one year after the date of such revocation except where a different period of revocation is prescribed by this code or unless the revocation was for a cause which has been removed.

(c) When the department has been notified pursuant to subdivision (b) of Section 742 that the licensee has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated.

SEC. 2. Section 278 of said code is amended to read:

278. Renewal of License. Application for renewal of a license shall be made by the person to whom such license was issued upon such form as the department may require. The department may in its discretion require an examination of the applicant as upon an original application. The department as soon as its records permit as determined by the Director of Motor Vehicles and the Department of Finance shall, before issuing any license or renewing any license, check the record of the applicant for conviction for traffic violations and traffic accidents and notices of failure to appear in court filed with it pursuant to subdivision (b) of Section 742 The department may withhold or refuse the issuance of a license to any applicant unless satisfied upon reasonable proof that such person can and will operate a motor vehicle safely and shall withhold or refuse the issuance of a license to any applicant who has violated his written promise to appear in court unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated. The department may in its discretion limit an examination of an applicant for renewal of a chauffeur's license to an examination of physical condition only.

License renewal

SEC. 3. The sum of twenty-six thousand dollars ($26,000) is hereby appropriated out of the Motor Vehicle Fund in the State Treasury to the Department of Motor Vehicles, to be expended in the 1951-1952 Fiscal Year in carrying out the provisions of this act.

Appropriation Department of Motor Vehicles

CHAPTER 1670

An act to amend Section 28149 of the Government Code, relating to compensation for public service in counties of the forty-ninth class.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 28149 of the Government Code is amended to read:

28149. In a county of the forty-ninth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

Lake County officers Salaries

(a) The auditor, three thousand three hundred dollars ($3,300) a year in lieu of all fees and commissions.

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year for his services as supervisor, and ten cents ($0.10) a mile when traveling while engaged in official business in the county. He

shall not receive more than seven hundred dollars ($700) in any one year for mileage as supervisor.

(d) For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law.

The compensation provided by this section shall be payable to incumbent officers.

Operative date

SEC. 2. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1671

An act to amend Sections 1075, 1331, 2006, and 2009 of the Streets and Highways Code, relating to county road commissioners.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 1075 of the Streets and Highways Code is amended to read:

Work on highways

1075. The board may have any work upon county highways done under the supervision and direction of the county road commissioner. Such work may be done:

(a) By letting a contract covering both work and material. In such event the contract shall be let to the lowest responsible bidder as provided in this article.

(b) By purchasing the material and letting a contract for the doing of the work.

(c) By purchasing the material and having the work done by day labor.

SEC. 2. Section 1331 of said code is amended to read:

Road commissioner

1331. Whenever any county has appointed a road commissioner for all road districts in the county as authorized by Section 1029, or whenever any county has adopted a county charter pursuant to Article XI, Section 7½ of the Constitution, providing for the appointment of a road commissioner as a county officer, and for the organization of a permanent road department for the construction, improvement, and maintenance of highways and bridges, such road commissioner shall have charge of the construction and maintenance of all county bridges in the county, under the order and direction of the board of supervisors as provided in Section 1332.

SEC. 3. Section 2006 of said code is amended to read:

Appointment of commissioner

2006. The board of supervisors of each county shall, prior to January 1, 1948, appoint a single road commissioner for all

road districts in the county. The road commissioner shall be a registered civil engineer except that an unregistered person may be employed as road commissioner if approved by the board of supervisors as qualified and competent to handle the road and highway work of the county. After October 1, 1952, no person shall be appointed road commissioner until the board of supervisors holds a public hearing on the qualifications of the candidate or candidates for the position of road commissioner. At least 14 days but not more than 30 days prior to such hearing notice of the hearing shall be posted at the county courthouse and published at least once in a newspaper of general circulation in the county if there is such. Nothing herein shall preclude one such person from serving two or more counties. An elective county official shall not be appointed road commissioner after October 1, 1952, unless such official is holding the position of road commissioner on that date. The road commissioner shall at all times be under the direction and supervision of the board of supervisors but may be dismissed only upon a majority vote of the board. This paragraph shall not be applicable in chartered counties whose charter requires the county surveyor to perform the duties of, or exercise the powers conferred by law on, the road commissioner.

Each county shall furnish evidence to the State Controller that it has complied with the provisions of this section.

After January 1, 1948, neither the State Controller nor any other state officer shall make any allocations or payments to any county from the Highway Users' Tax Fund until such county has complied with the requirements of this section.

SEC. 4. Section 2009 of said code is amended to read:

Establishing policies

2009. The board of supervisors shall act as the policy-making body with respect to county highway matters and shall by appropriate action establish the general policies to be followed by the road commissioner in the administration of his department. The road commissioner shall administer his department and carry out the general policies of the board in conformity with the estimates of expenditures fixed in the budget as finally adopted by the board or as thereafter revised by appropriate action of the board. The commissioner shall employ such assistants and employees as may be necessary, in conformity with the budget and county policies and procedure with respect to personnel and subject to the approval of the board of the salary or other compensation to be paid. The commissioner shall have sole supervision and jurisdiction over personnel and over the assignments of personnel engaged in work on county roads. The commissioner may purchase, lease, or hire such equipment as may be necessary for county road purposes, in conformity with the budget and policies of the county with respect to purchases and rentals and subject to approval of the board as to the price or rental. The commissioner shall have sole jurisdiction over the assignment of equipment used for county road work.

CHAPTER 1672

An act to amend Section 2189 of the Revenue and Taxation Code, relating to the lien on real property of taxes on personal property.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 2189 of the Revenue and Taxation Code is amended to read:

Personal property tax as lien

2189. A tax on personal property is a lien on any real property on the secured roll also belonging to the owner of the personal property and located in the same county as the latter on the lien date, if the fact of the lien is shown on the secured roll opposite the description of the real property.

Any failure or omission to show the fact of such lien for personal property taxes on the secured roll opposite such description of real property shall not operate to invalidate any such personal property tax, but in such case the tax shall be collected in the same manner as taxes on the unsecured roll.

CHAPTER 1673

An act to amend Sections 3211.92 and 3361 of the Labor Code, relating to volunteer fire departments and volunteer firemen.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 3211.92 of the Labor Code is amended to read:

"Disaster service worker"

M & V C. § 1500, ff Stats. 1950 (3d Ex. Sess.), Ch. 3

3211.92. "Disaster service worker" means any natural person who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Disaster Act and the Civil Defense Act of 1950 without pay or other consideration.

"Disaster service worker" includes volunteer civil defense workers and also includes any unregistered person impressed into service during a state of extreme emergency by a person having authority to command the aid of citizens in the execution of his duties.

Persons registered with a disaster council at the time such council becomes accredited need not reregister in order to be entitled to the benefits provided by Chapter 10 of this part

"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 county, city, town or district in which such fire department is located.

SEC. 2. Section 3361 of said code is amended to read:

3361. Each male member registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the government of the county, city, town or district in which such volunteer fire department is located, is an employee of such county, city, town or district for the purposes of this division, and is entitled to receive compensation from such county, city, town or district in accordance with the provisions thereof. Members of volunteer fire departments

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CHAPTER 1674

An act to amend Sections 671, 689, 777, 778, 781, 782, 783, 784, 784a, 785, 786, 789, 791, 792, 794, 795, 802, 806, 813, 814, 815, 816, 826, 827, 828, 829, 949, 950, 953, 954, 955, 957, 958, 959, 960, 961, 963, 964, 966, 967, 968, 969, 969c, 970, 971, 976, 977, 979, 980, 983, 988, 989, 990, 1004, 1005, 1007, 1008, 1009, 1010, 1012, 1016, 1017, 1019, 1021, 1022, 1023, 1024, 1025, 1033, 1043, 1053, 1057, 1059, 1093, 1095, 1099, 1100, 1119, 1127, 1130, 1135, 1136, 1138, 1150, 1151, 1155, 1157, 1158, 1159, 1160, 1164, 1165, 1180, 1181, 1185, 1186, 1187, 1191, 1193, 1195, 1196, 1197, 1198, 1199, 1205, 1207, 1213, 1235, 1237, 1238, 1243, 1262, 1326, 1382, 1385, 1387, 1427, 1428, 1429, 1447, 1449, 1458, 1461, 1466, and 1468 and the headings of Title 3, Chapter 3 of Title 3, Title 4, Title 5, Chapter 2 of Title 5, Title 6, Chapter 2 of Title 6, Chapter 3 of Title 6, Chapter 4 of Title 7, Title 9, Chapter 8 of Title 10, Title 11, and of Chapter 1 of Title 11, of Part 2 of the Penal Code, to renumber the headings of Chapters 2 and 3 of Title 4 of Part 2 of said code and to repeal the heading of Title 2, Part 2 and Sections 809, 810, 811, 812, 818, Chapter 1, consisting of Sections 888 to 890, inclusive, of Title 4, Part 2, Sections 1011, 1144, 1247e, 1426, 1426.1, 1428.1, 1428.2, 1428.3, 1430, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1446, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1459, 1460, 1461a, and 1467, of said code, and to add Sections 690, and 691, a new Title 2, consisting of Sections 737 to 740, inclusive, to Part 2 of said code, and Sections 777a, 973, 1167, and 1467 to said code, relating to proceedings in criminal cases.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 671 of the Penal Code is amended to read:

Term of imprisonment

671. Whenever any person is declared punishable for a crime by imprisonment in the state prison for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, punishment of such offender shall be imprisonment during his natural life subject to the provisions of Part 3 of this code.

SEC. 2. Section 689 of said code is amended to read:

Conviction

689. No person can be convicted of a public offense unless by verdict of a jury, accepted and recorded by the court, by a finding of the court in a case where a jury has been waived, or by a plea of guilty.

SEC. 3. Section 690 is added to said code, to read:

Law applicable

690. The provisions of Part 2 of this code shall apply to all criminal actions and proceedings in all courts, except where jurisdictional limitations or the nature of specific provisions prevent, or special provision is made for particular courts or proceedings.

SEC. 4. Section 691 is added to said code, to read:

Definitions

691. Definitions. The following words have in Part 2 of this code the signification attached to them in this section, unless it is otherwise apparent from the context:

1. The words "inferior court" or "inferior courts" include municipal courts, justices' courts, city courts, police courts, police judges' courts, and all courts other than superior courts, having jurisdiction to try misdemeanor charges.

2. The words "competent court" when used with reference to the jurisdiction over any public offense, mean any court the subject matter jurisdiction of which includes the offense so mentioned.

3. The words "jurisdictional territory" when used with reference to a court, mean the city and county, county, city, township or other limited territory over which the criminal jurisdiction of such court extends, as provided by law, and in case of a superior court mean the county in which such court sits.

4. The words "accusatory pleading" include an indictment, an information, an accusation, a complaint filed with a magistrate charging a public offense of which the superior court has original trial jurisdiction, and a complaint filed with an inferior court charging a public offense of which such inferior court has original trial jurisdiction.

5. The words "prosecuting attorney" include any attorney, whether designated as district attorney, city attorney, city prosecutor, prosecuting attorney, or by any other title, having by law the right or duty to prosecute, in behalf of the people, any charge of a public offense.

6. The word "county" includes county, city and county, and city.

Repeal

SEC. 5. The heading of Title 2, Part 2 of said code is repealed.

SEC. 6. A new Title 2, consisting of Sections 737 to 740, inclusive, is added to Part 2 of said code, to read:

TITLE 2. MODE OF PROSECUTION

New title

737. All public offenses triable in the superior court must be prosecuted therein by indictment or information, except as provided in the Government Code, the Juvenile Court Law and Section 859a of this code.

Prosecution in superior court

W & I C, §550, ff

738. Before an information is filed there must be a preliminary examination of the case against the defendant and an order holding him to answer made under Section 872. The proceeding for a preliminary examination must be commenced by written complaint, as provided elsewhere in this code.

Preliminary examination

739. When a defendant has been examined and committed, as provided in Section 872, it shall be the duty of the district attorney of the county in which the offense is triable to file in the superior court of that county within 15 days after the commitment, an information against the defendant which may charge the defendant with either the offense or offenses named in the order of commitment or any offense or offenses shown by the evidence taken before the magistrate to have been committed. The information shall be in the name of the people of the State of California and subscribed by the district attorney.

Information

740. Except as otherwise provided by law, all public offenses triable in the inferior courts must be prosecuted by written complaint under oath subscribed by the complainant. Such complaint may be verified on information and belief.

Prosecution in inferior courts

SEC. 7. The heading of Title 3, Part 2 of said code is amended to read:

TITLE 3. ADDITIONAL PROVISIONS REGARDING CRIMINAL PROCEDURE

SEC. 8. Section 777 of said code is amended to read:

777. Every person is liable to punishment by the laws of this State, for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States; and except as otherwise provided by law the jurisdiction of every public offense is in any competent court within the jurisdictional territory of which it is committed.

Liability to punishment

SEC. 9. Section 777a is added to Chapter 1, Title 3, Part 2 of said code, to read:

777a. If a parent violates the provisions of Section 270 of this code, the jurisdiction of such offense is in any competent court of either the jurisdictional territory in which the minor child is cared for or in which such parent is apprehended.

Violation by parent

SEC. 10. Section 778 of said code is amended to read:

778. When the commission of a public offense, commenced without the State, is consummated within its boundaries by a defendant, himself outside the State, through the intervention of an innocent or guilty agent or any other means proceeding directly from said defendant, he is liable to punishment there-

Offense by one without the State

for in this State in any competent court within the jurisdictional territory of which the offense is consummated

SEC. 11. Section 781 of said code is amended to read:

Offense in two jurisdictions

781. When a public offense is committed in part in one jurisdictional territory and in part in another, or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two or more jurisdictional territories, the jurisdiction of such offense is in any competent court within either jurisdictional territory.

SEC. 12. Section 782 of said code is amended to read:

Offense on boundary, etc

782. When a public offense is committed on the boundary of two or more jurisdictional territories, or within 500 yards thereof, the jurisdiction of such offense is in any competent court within either jurisdictional territory.

SEC. 13. Section 783 of said code is amended to read:

Offense on vessel, etc.

783. When a public offense is committed in this State, on board a vessel navigating a river, bay, slough, lake, or canal, or lying therein, in the prosecution of its voyage, or on a railroad train or car, motor vehicle, common carrier transporting passengers or on an aircraft prosecuting its trip, the jurisdiction is in any competent court, through, on, or over the jurisdictional territory of which the vessel, train, car, motor vehicle, common carrier or aircraft passes in the course of its voyage or trip, or in the jurisdictional territory of which the voyage or trip terminates.

SEC. 14. Section 784 of said code is amended to read:

Specific crimes

784. The jurisdiction of a criminal action:

Seizure for slavery, etc.

1. For forcibly and without lawful authority seizing and confining another, or inveigling or kidnaping him, with intent, against his will, to cause him to be secretly confined or imprisoned in this State, or to be sent out of the State, or from one county to another, or to be sold as a slave, or in any way held to service;

Decoying, etc., minor child

2. For decoying, taking, or enticing away any minor child, with intent to detain and conceal it from its parent, guardian, or other person having the lawful charge of the child;

Taking for prostitution, etc

3. For inveigling, enticing, or taking away any female for the purpose of concubinage or prostitution;

Is in any competent court within the jurisdictional territory in which the offense was committed, or in the jurisdictional territory out of which the person upon whom the offense was committed was taken or within the jurisdictional territory in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

SEC. 15. Section 784a of said code is amended to read:

Slander

784a. The jurisdiction of a criminal action for slander which is uttered into, or is communicated through or by any radio, or connected radios or any other mechanical or other devices, is in any competent court within the jurisdictional territory of which the slander is so uttered, or in any competent court within the jurisdictional territory of which the person

slandered resided, or the educational, literary, social, fraternal, benevolent or religious corporation, association or organization slandered was located, at the time of the utterance of the alleged slanderous words.

SEC. 16. Section 785 of said code is amended to read:

Incest

785. When the offense of incest is committed in the jurisdictional territory of one competent court and the defendant is apprehended in the jurisdictional territory of another competent court the jurisdiction is in either court.

Bigamy

When the offense of bigamy is committed, the jurisdiction is in any competent court within the jurisdictional territory of which the marriage took place, or cohabitation occurred or the defendant was apprehended.

SEC. 17. Section 786 of said code is amended to read:

Burglary, etc.

786. When property taken in one jurisdictional territory by burglary, robbery, theft, or embezzlement has been brought into another, the jurisdiction of the offense is in any competent court within either jurisdictional territory.

SEC. 18. Section 789 of said code is amended to read:

Theft, etc., out of state

789. The jurisdiction of a criminal action for stealing or embezzling, in any other state, the property of another, or receiving it knowing it to have been stolen or embezzled, and bringing the same into this State, is in any competent court into or through the jurisdictional territory of which such stolen or embezzled property has been brought.

SEC. 19. Section 791 of said code is amended to read:

Accessory

791. In the case of an accessory, as defined in Section 32, in the commission of a public offense, the jurisdiction is in any competent court within the jurisdictional territory of which the offense of the accessory was committted, notwithstanding the principal offense was committed in another jurisdictional territory.

SEC. 20. Section 792 of said code is amended to read:

Principal

792. The jurisdiction of a criminal action against a principal in the commission of a public offense, when such principal is not present at the commission of the offense is in the same court it would be under this code if he were so present and aiding and abetting therein.

SEC. 21. Section 794 of said code is amended to read:

Acquittal in one court Effect

794. Where an offense is within the jurisdiction of two or more courts, a conviction or acquittal thereof in one court is a bar to a prosecution therefor in another.

SEC. 22. Section 795 of said code is amended to read:

Prize fighting, etc

795. The jurisdiction of a violation of Sections 412, 413, or 414, or a conspiracy to violate any of said sections, is in any competent court within the jurisdictional territory of which:

First. Any act is done towards the commission of the offense; or,

Second. The offender passed, whether into, out of, or through it, to commit the offense; or,

Third. The offender is arrested.

SEC. 23. Section 802 of said code is amended to read:

Defendant out of State

802. If, when or after the offense is committed, the defendant is out of the State, an indictment may be found, a complaint or an information filed or a case certified to the superior court, in any case originally triable in the superior court, or a complaint may be filed, in any case originally triable in any other court, within the term limited by law; and no time during which the defendant is not within this State, is a part of any limitation of the time for commencing a criminal action.

SEC. 24. The heading of Chapter 3, Title 3, Part 2 of said code is amended to read:

CHAPTER 3. COMPLAINTS BEFORE MAGISTRATES

SEC. 25. Section 806 of said code is amended to read:

Proceeding for examination before magistrate

806. A proceeding for the examination before a magistrate of a person on a charge of an offense originally triable in a superior court must be commenced by written complaint under oath subscribed by the complainant and filed with the magistrate. Such complaint may be verified on information and belief. When the complaint is used as a pleading to which the defendant pleads guilty under Section 859a of this code, the complaint shall contain the same allegations, including the charge of prior conviction or convictions of crime, as are required for indictments and informations and, wherever applicable, shall be construed and shall have substantially the same effect as provided in this code for indictments and informations.

Repeal

SEC. 26. Sections 809, 810, 811, and 812 of said code are repealed.

SEC. 27. Section 813 of said code is amended to read:

Warrant: Issuance

813. When a complaint is filed with a magistrate charging a public offense originally triable in the superior court of the county in which he sits, if such magistrate is satisfied from the complaint that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, he must issue a warrant for the arrest of the defendant.

SEC. 28. Section 814 of said code is amended to read:

Form

814. A warrant of arrest issued under Section 813 may be in substantially the following form:

County of ____ ___

The people of the State of California to any peace officer of said State:

Complaint on oath having this day been laid before me that the crime of _____ (designating it generally) has been committed and accusing _____ (naming defendant) thereof, you are therefore commanded forthwith to arrest the above named defendant and bring him before me at _____ (naming the place), or in case of my absence or inability to act, before the nearest or most accessible magistrate in this county.

Dated at _____ (place) this _____ day of _____, 19___.

_____

(Signature and full official title of magistrate.)

SEC. 29. Section 815 of said code is amended to read:

815. A warrant of arrest must specify the name of the defendant or, if it is unknown to the magistrate, judge or justice, the defendant may be designated therein by any name. It must also state the time of issuing it, and the city and county, county, city, town or township where it is issued and be signed by the magistrate, judge or justice issuing it with the title of his office. Contents

SEC. 30. Section 816 of said code is amended to read:

816. A warrant of arrest must be directed generally to any peace officer in the State, and may be executed by any of those officers to whom it may be delivered. Direction

SEC. 31. Section 818 of said code is repealed. Repeal

SEC. 32. Section 826 of said code is amended to read:

826. If on a warrant issued under Section 813 the defendant is brought before a magistrate other than the one who issued the warrant, the complaint on which the warrant was issued must be sent to that magistrate, or if it cannot be procured, a new complaint may be filed before that magistrate. Different magistrate

SEC. 33. Section 827 of said code is amended to read:

827. When a complaint is filed with a magistrate of the commission of a public offense originally triable in the superior court of another county of the State than that in which he sits, but showing that the defendant is in the county where the complaint is filed, the same proceedings must be had as prescribed in this chapter, except that the warrant must require the defendant to be taken before the nearest or most accessible magistrate of the county in which the offense is triable, and the complaint must be delivered by the magistrate to the officer to whom the warrant is delivered. Offense triable in another county

SEC. 34. Section 828 of said code is amended to read:

828. The officer who executes the warrant must take the defendant before the nearest or most accessible magistrate of the county in which the offense is triable, and must deliver to him the complaint and the warrant, with his return endorsed thereon, and the magistrate must then proceed in the same manner as upon a warrant issued by himself. Same Arraignment of defendant

SEC. 35. Section 829 of said code is amended to read:

829. When a complaint is filed with a magistrate of the commission of a public offense triable in an inferior court of another county of the State than that in which he sits, but showing that the defendant is in the county where the complaint is filed, the officer must, upon being required by the defendant, take him before a magistrate of the county in which the warrant was issued, who must admit the defendant to bail in the amount specified in the endorsement referred to in Section 815a, and immediately transmit the warrant, complaint, and undertaking, Offense triable in another county

to the clerk of the court in which the defendant is required to appear.

SEC. 36. The heading of Title 4, Part 2, of said code is amended to read:

TITLE 4. PROCEEDINGS OF THE GRAND JURY

Repeal

SEC. 37. Chapter 1, Title 4, Part 2, consisting of Sections 888 to 890, inclusive, is repealed.

SEC. 38. The heading of Chapter 2, Title 4, Part 2 of said code is renumbered, to read:

CHAPTER 1. FORMATION OF THE GRAND JURY

SEC 39. The heading of Chapter 3, Title 4, Part 2 of said code is renumbered, to read:

CHAPTER 2. POWERS AND DUTIES OF A GRAND JURY

SEC. 40. The heading of Title 5, Part 2, of said code is amended to read:

TITLE 5. THE PLEADINGS

SEC. 41. The heading of Chapter 2, Title 5, Part 2 of said code is amended to read:

CHAPTER 2. RULES OF PLEADING

SEC. 42. Section 949 of said code is amended to read:

First pleading

949. The first pleading on the part of the people in the superior court is the indictment, information, accusation or the complaint in any case certified to the superior court under the provisions of Section 859a or the complaint filed in accordance with the provisions of Section 702 of the Welfare and Institutions Code. The first pleading on the part of the people in all inferior courts is the complaint except as otherwise provided by law.

SEC. 43. Section 950 of said code is amended to read:

Accusatory pleading

950. The accusatory pleading must contain:

1. The title of the action, specifying the name of the court to which the same is presented, and the names of the parties;

2. A statement of the public offense or offenses charged therein.

SEC. 44. Section 953 of said code is amended to read:

Charge in fictitious, etc name

953. When a defendant is charged by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the accusatory pleading.

SEC. 45. Section 954 of said code is amended to read:

Accusatory pleading Two or more offenses

954. An accusatory pleading may charge two or more different offenses connected together in their commission, or

different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, and if two or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated. The prosecution is not required to elect between the different offenses or counts set forth in the accusatory pleading, but the defendant may be convicted of any number of the offenses charged, and each offense of which the defendant is convicted must be stated in the verdict or the finding of the court; provided, that the court in which a case is triable, in the interests of justice and for good cause shown, may in its discretion order that the different offenses or counts set forth in the accusatory pleading be tried separately or divided into two or more groups and each of said groups tried separately. An acquittal of one or more counts shall not be deemed an acquittal of any other count.

SEC. 46. Section 955 of said code is amended to read:

955 The precise time at which the offense was committed need not be stated in the accusatory pleading, but it may be alleged to have been committed at any time before the finding or filing thereof, except where the time is a material ingredient in the offense. Time of offense

SEC. 47. Section 957 of said code is amended to read:

957. The words used in an accusatory pleading are construed in their usual acceptance in common language, except such words and phrases as are defined by law, which are construed according to their legal meaning. Construction

SEC. 48. Section 958 of said code is amended to read:

958. Words used in a statute to define a public offense need not be strictly pursued in the accusatory pleading, but other words conveying the same meaning may be used. Same

SEC. 49 Section 959 of said code is amended to read:

959. The accusatory pleading is sufficient if it can be understood therefrom: Sufficiency of pleading

1. That it is filed in a court having authority to receive it, though the name of the court be not stated.

2. If an indictment, that it was found by a grand jury of the county in which the court was held, or if an information, that it was subscribed and presented to the court by the district attorney of the county in which the court was held

3. If a complaint, that it is made and subscribed by some natural person and sworn to before some officer entitled to administer oaths.

4. That the defendant is named, or if his name is unknown, that he is described by a fictitious name, with a statement that his true name is to the grand jury, district attorney, or complainant, as the case may be, unknown.

5. That the offense charged therein is triable in the court in which it is filed, except in case of a complaint filed with a magistrate for the purposes of a preliminary examination.

6. That the offense was committed at some time prior to the filing of the accusatory pleading.

SEC. 50. Section 960 of said code is amended to read:

Same

960. No accusatory pleading is insufficient, nor can the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form which does not prejudice a substantial right of the defendant upon the merits.

SEC. 51. Section 961 of said code is amended to read:

Presumptions, etc

961. Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in an accusatory pleading.

SEC. 52. Section 963 of said code is amended to read:

Pleading private statute, etc

963. In pleading a private statute, or an ordinance of a county or a municipal corporation, or a right derived therefrom, it is sufficient to refer to the statute or ordinance by its title and the day of its passage, and the court must thereupon take judicial notice thereof.

SEC. 53. Section 964 of said code is amended to read:

Specific crimes Libel and slander

964. An accusatory pleading charging libel or slander need not set forth any extrinsic facts for the purpose of showing the application to the party libeled or slandered of the defamatory matter on which the accusatory pleading is founded; but it is sufficient to state generally that the same was spoken or published concerning him, and the fact that it was so spoken or published must be established at the trial.

SEC. 54. Section 966 of said code is amended to read:

Perjury, etc.

966. In an accusatory pleading for perjury, or subornation of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which the offense was committed, and in what court and before whom the oath alleged to be false was taken, and that the court, or the person before whom it was taken, had authority to administer it, with proper allegations of the falsity of the matter on which the perjury is assigned; but the accusatory pleading need not set forth the pleadings, records, or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

SEC. 55. Section 967 of said code is amended to read:

Theft of money, etc

967. In an accusatory pleading charging the theft of money, bank notes, certificates of stock or valuable securities, or a conspiracy to cheat or defraud a person of any such property, it is sufficient to allege the theft, or the conspiracy to cheat or defraud, to be of money, bank notes, certificates of stock or valuable securities without specifying the coin, number, denomination, or kind thereof.

SEC. 56. Section 968 of said code is amended to read:

Lewd, etc., literature

968. An accusatory pleading charging exhibiting, publishing, passing, selling, or offering to sell, or having in possession, with such intent, any lewd or obscene book, pamphlet, picture, print, card, paper, or writing, need not set forth any portion of the language used or figures shown upon such book, pamphlet, picture, print, card, paper, or writing; but it is sufficient to state generally the fact of the lewdness or obscenity thereof.

SEC. 57. Section 969 of said code is amended to read:

969. In charging the fact of a previous conviction of felony, or of an attempt to commit an offense which, if perpetrated, would have been a felony, or of theft, it is sufficient to state, "That the defendant, before the commission of the offense charged herein, was in (giving the title of the court in which the conviction was had) convicted of a felony (or attempt, etc., or of theft)." If more than one previous conviction is charged, the date of the judgment upon each conviction may be stated, and all known previous convictions, whether in this State or elsewhere, must be charged. Previous conviction

SEC. 58. Section 969c of said code is amended to read:

969c. Whenever a defendant is armed with a firearm or other weapon under such circumstances as to bring said defendant within the operation of Section 3024 of the Penal Code relating to certain minimum penalties or of Section 3 of the Dangerous Weapons Control Law, the fact that the defendant was so armed shall be charged in the accusatory pleading. This charge shall be added to and be a part of the count or each of the counts of the accusatory pleading which charge the offense at the time of the commission of which or at the time of the arrest for which the defendant was armed with a weapon. That portion of any count which charges that the defendant was armed shall be sufficient if it can be understood therefrom that at the time of his commission of the offense set forth in the count, the defendant was armed with a weapon, or that at the time of his arrest therefor he was armed with a concealed deadly weapon. The nature of the weapon must be set forth but it shall be sufficient if this is done substantially in the wording of either of the above mentioned statutes, as a blackjack or a razor with an unguarded blade, or a pistol capable of being concealed upon the person without having a license or permit to carry such pistol. One such charge may name more than one weapon and may allege that the defendant was armed both at the time of his commission of the offense and at the time of his arrest. If the defendant pleads not guilty of the offense charged in any count which alleges that the defendant was armed either at the time of his commission of the offense or at the time of his arrest, or both, the question whether or not he was armed as alleged must be tried by the court or jury which tries the issue upon the plea of not guilty. If the defendant pleads guilty of the offense charged the question whether or not he was armed as alleged must be determined by the court before pronouncing judgment. Dangerous weapons

Stats 1923, p 695

SEC. 59. Section 970 of said code is amended to read:

970. When several defendants are named in one accusatory pleading, any one or more may be convicted or acquitted Several defendants

SEC. 60. Section 971 of said code is amended to read:

971. The distinction between an accessory before the fact and a principal, and between principals in the first and second degree is abrogated; and all persons concerned in the commission of a crime, who by the operation of other provisions of this code are principals therein, shall hereafter be prosecuted, tried Accessories and principals. Distinction abolished

and punished as principals and no other facts need be alleged in any accusatory pleading against any such person than are required in an accusatory pleading against a principal.

SEC. 61. Section 973 is added to said code, to read:

Accusatory pleading lost

973. If the accusatory pleading in any criminal action has heretofore been lost or destroyed or shall hereafter be lost or destroyed, the court must, upon the application of the prosecuting attorney or of the defendant, order a copy of such pleading to be filed and substituted for the original, and when filed and substituted, as provided in this section, the copy shall have the same force and effect as if it were the original pleading.

SEC. 62. The heading of Title 6, Part 2, is amended to read:

TITLE 6. PLEADINGS AND PROCEEDINGS BEFORE TRIAL

SEC. 63. Section 976 of said code is amended to read:

Arraignment required

976. When the accusatory pleading is filed, the defendant must be arraigned thereon before the court in which it is filed, unless the action is transferred to some other court for trial.

SEC. 64. Section 977 of said code is amended to read:

Same Defendant's presence

977. The defendant must be personally present at the arraignment, except that if the accusatory pleading charges a misdemeanor only he may appear by counsel.

SEC. 65. Section 979 of said code is amended to read:

Failure to appear

979. If the defendant has been discharged on bail or has deposited money or other property instead thereof, and does not appear to be arraigned when his personal presence is necessary, the court, in addition to the forfeiture of the undertaking of bail or of the money or other property deposited, may order the issuance of a bench warrant for his arrest.

SEC. 66. Section 980 of said code is amended to read:

Bench warrant

980. At any time after the order for a bench warrant is made, whether the court is sitting or not, the clerk, or if there is no clerk, the judge or justice of the court, may, on application of the prosecuting attorney, issue a bench warrant to one or more counties.

SEC. 67. Section 983 of said code is amended to read:

Same Service

983. The bench warrant may be served in any county in the same manner as a warrant of arrest.

SEC. 68. Section 988 of said code is amended to read:

Arraignment

988. The arraignment must be made by the court, or by the clerk or prosecuting attorney under its direction, and consists in reading the accusatory pleading to the defendant and delivering to him a true copy thereof, and of the endorsements thereon, if any, including the list of witnesses, and asking him whether he pleads guilty or not guilty to the accusatory pleading; provided, that where the accusatory pleading is a complaint charging a misdemeanor triable in an inferior court, a copy of the same need not be delivered to any defendant unless requested by him.

SEC. 69. Section 989 of said code is amended to read:

989. When the defendant is arraigned, he must be informed that if the name by which he is prosecuted is not his true name, he must then declare his true name, or be proceeded against by the name in the accusatory pleading. If he gives no other name, the court may proceed accordingly; but if he alleges that another name is his true name, the court must direct an entry thereof in the minutes of the arraignment, and the subsequent proceedings on the accusatory pleading may be had against him by that name, referring also to the name by which he was first charged therein. Name of defendant

SEC. 70. Section 990 of said code is amended to read:

990. If on the arraignment, the defendant requires it, he must be allowed a reasonable time to answer, which shall be not less than one day for an offense originally triable in the superior court and not more than seven days for an offense originally triable in an inferior court. Time to answer

SEC. 71. The heading of Chapter 2, Title 6, Part 2 of said code is amended to read:

CHAPTER 2. SETTING ASIDE THE INDICTMENT OR INFORMATION

SEC. 72. The heading of Chapter 3, Title 6, Part 2 of said code is amended to read:

CHAPTER 3. DEMURRER AND AMENDMENT

SEC. 73. Section 1004 of said code is amended to read:

1004. The defendant may demur to the accusatory pleading at any time prior to the entry of a plea, when it appears upon the face thereof either: Grounds for demurrer

1. If an indictment, that the grand jury by which it was found had no legal authority to inquire into the offense charged, or, if an information or complaint that the court has no jurisdiction of the offense charged therein;

2. That it does not substantially conform to the provisions of Sections 950 and 952, and also Section 951 in case of an indictment or information;

3. That more than one offense is charged, except as provided in Section 954;

4. That the facts stated do not constitute a public offense;

5. That it contains matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

SEC. 74. Section 1005 of said code is amended to read:

1005. The demurrer must be in writing, signed either by the defendant or his counsel, and filed. It must distinctly specify the grounds of objection to the accusatory pleading or it must be disregarded. Form and filing of demurrer

SEC. 75. Section 1007 of said code is amended to read:

1007. Upon considering the demurrer, the court must make an order either overruling or sustaining it. If the demurrer Judgment on demurrer

is overruled, the court must permit the defendant, at his election, to plead, which he must do forthwith, unless the court extends the time. If the demurrer is sustained, by a superior court, the court must, if the defect can be remedied by amendment, permit the indictment or information to be amended, either forthwith or within such time, not exceeding 10 days, as it may fix, or, if the defect or insufficiency therein cannot be remedied by amendment, the court may direct the filing of a new information or the submission of the case to the same or another grand jury. If the demurrer is sustained by an inferior court, the court must, if the defect can be remedied, permit the filing of an amended complaint within such time not exceeding 10 days as it may fix. The orders made under this section shall be entered in the docket or minutes of the court.

SEC. 76. Section 1008 of said code is amended to read:

Procedure on sustained demurrer

1008. If the demurrer is sustained, and no amendment of the accusatory pleading is permitted, or, in case an amendment is permitted, no amendment is made or amended pleading is filed within the time fixed therefor, the action shall be dismissed, and, except as provided in Section 1010, the court must order, if the defendant is in custody, that he be discharged or if he has been admitted to bail, that his bail be exonerated, or, if money or other property has been deposited instead of bail for his appearance, that such money or other property be refunded to him or to the person or persons found by the court to have deposited such money or other property on his behalf.

SEC. 77. Section 1009 of said code is amended to read:

Amendment of indictment, etc.

1009. An indictment, accusation or information may be amended by the district attorney, and an amended complaint may be filed by the prosecuting attorney in any inferior court, without leave of court at any time before the defendant pleads or a demurrer to the original pleading is sustained. The court in which an action is pending may order or permit an amendment of an indictment, accusation or information, or the filing of an amended complaint, for any defect or insufficiency, at any stage of the proceedings, or if the defect in an indictment or information be one that cannot be remedied by amendment, may order the case submitted to the same or another grand jury, or a new information to be filed. The defendant shall be required to plead to such amendment or amended pleading forthwith, or, at the time fixed for pleading, if he has not yet pleaded and the trial or other proceeding shall continue as if the pleading had been originally filed as amended, unless the substantial rights of the defendant would be prejudiced thereby, in which event a reasonable postponement, not longer than the ends of justice require, may be granted. An indictment or accusation cannot be amended so as to change the offense charged, nor an information so as to charge an offense not shown by the evidence taken at the preliminary examination. A complaint cannot be amended to charge an offense not attempted to be charged by the original complaint, except that separate counts may be added which might properly have been joined in the original

complaint. The amended complaint must be verified but may be verified by some person other than the one who made oath to the original complaint.

SEC. 78. Section 1010 of said code is amended to read:

Resubmission of case

1010. When a criminal action in the superior court is dismissed after the sustaining of a demurrer, or at any other stage of the proceedings because of any defect or insufficiency of the indictment or information, if the court directs that the case be resubmitted to the same or another grand jury or that a new information be filed, the defendant shall not be discharged from custody, nor his bail exonerated nor money or other property deposited instead of bail on his behalf refunded, but the same proceedings must be had on such direction as are prescribed in Sections 997 and 998.

Repeal

SEC. 79. Section 1011 of said code is repealed.

SEC. 80. Section 1012 of said code is amended to read:

Raising objections

1012. When any of the objections mentioned in Section 1004 appears on the face of the accusatory pleading, it can be taken only by demurrer, and failure so to take it shall be deemed a waiver thereof, except that the objection to the jurisdiction of the court and the objection that the facts stated do not constitute a public offense may be taken by motion in arrest of judgment.

SEC. 81. Section 1016 of said code is amended to read:

Kinds of pleas

1016. There are five kinds of pleas to an indictment or an information, or to a complaint charging an offense triable in any inferior court:

1. Guilty.
2. Not guilty.
3. A former judgment of conviction or acquittal of the offense charged.
4. Once in jeopardy.
5. Not guilty by reason of insanity.

A defendant who does not plead guilty may enter one or more of the other pleas. A defendant who does not plead not guilty by reason of insanity shall be conclusively presumed to have been sane at the time of the commission of the offense charged; provided, that the court may for good cause shown allow a change of plea at any time before the commencement of the trial. A defendant who pleads not guilty by reason of insanity, without also pleading not guilty, thereby admits the commission of the offense charged.

SEC. 82. Section 1017 of said code is amended to read:

Entry and form of plea

1017. Every plea must be made in open court and may be oral or in writing, and must be entered upon the minutes of the court and must be taken down in shorthand by the official reporter if there is one present. The plea, whether oral or in writing, must be in substantially the following form:

1. If the defendant plead guilty: "The defendant pleads that he is guilty of the offense charged."

2. If he plead not guilty: "The defendant pleads that he is not guilty of the offense charged."

3. If he plead a former conviction or acquittal: "The defendant pleads that he has already been convicted (or acquitted) of the offense charged, by the judgment of the court of _____ (naming it), rendered at _____ (naming the place), on the _____ day of _____."

4. If he plead once in jeopardy: "The defendant pleads that he has been once in jeopardy for the offense charged (specifying the time, place, and court)."

5. If he plead not guilty by reason of insanity: "The defendant pleads that he is not guilty of the offense charged because he was insane at the time that he is alleged to have committed the unlawful act."

SEC. 83. Section 1019 of said code is amended to read:

Not guilty plea

1019. The plea of not guilty puts in issue every material allegation of the accusatory pleading, except those allegations regarding previous convictions of the defendant to which an answer is required by Section 1025.

SEC. 84. Section 1021 of said code is amended to read:

Former acquittal

1021. If the defendant was formerly acquitted on the ground of variance between the accusatory pleading and the proof or the accusatory pleading was dismissed upon an objection to its form or substance, or in order to hold the defendant for a higher offense, without a judgment of acquittal, it is not an acquittal of the same offense.

SEC. 85. Section 1022 of said code is amended to read:

Same

1022. Whenever the defendant is acquitted on the merits, he is acquitted of the same offense, notwithstanding any defect in form or substance in the accusatory pleading on which the trial was had.

SEC. 86. Section 1023 of said code is amended to read:

Effect of conviction, etc

1023. When the defendant is convicted or acquitted or has been once placed in jeopardy upon an accusatory pleading, the conviction, acquittal, or jeopardy is a bar to another prosecution for the offense charged in such accusatory pleading, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that accusatory pleading.

SEC. 87. Section 1024 of said code is amended to read:

Refusal to answer charge

1024. If the defendant refuses to answer the accusatory pleading, by demurrer or plea, a plea of not guilty must be entered.

SEC. 88. Section 1025 of said code is amended to read:

Charge of previous conviction

1025. When a defendant who is charged in the accusatory pleading with having suffered a previous conviction pleads either guilty or not guilty of the offense charged against him, he must be asked whether he has suffered such previous conviction. If he answers that he has, his answer must be entered in the minutes of the court, and must, unless withdrawn by consent of the court, be conclusive of the fact of his having suffered such previous conviction in all subsequent proceedings. If he answers that he has not, his answer must be entered in the minutes of the court, and the question whether or not he has

suffered such previous conviction must be tried by the jury which tries the issue upon the plea of not guilty, or in case of a plea of guilty, by a jury impaneled for that purpose, or by the court if a jury is waived. The refusal of the defendant to answer is equivalent to a denial that he has suffered such previous conviction. In case the defendant pleads not guilty, and answers that he has suffered the previous conviction, the charge of the previous conviction must not be read to the jury, nor alluded to on the trial.

SEC. 89. Section 1033 of said code is amended to read:

1033. A criminal action pending in a superior court may be removed from the court in which it is pending on application of the defendant, on the ground that a fair and impartial trial cannot be had in the county. This chapter does not apply to actions pending in other courts. Grounds for removal

SEC. 90. Section 1043 of said code is amended to read:

1043. The defendant must be personally present at the trial; provided, that in case of a misdemeanor charge, if he absents himself with full knowledge that a trial is to be or is being had, the trial may proceed in his absence. If the defendant in a felony case fails to appear at any time during the course of the trial and before the jury has retired for its deliberations or the case has been finally submitted to the judge, and after the exercise of reasonable diligence his presence cannot be procured, the court shall declare a mistrial and the cause may be again tried. Presence of defendant

SEC. 91. Section 1053 of said code is amended to read:

1053. If after the commencement of the trial of a criminal action or proceeding in any court the judge or justice presiding at such trial shall die, become ill, or for any other reason be unable to proceed with the trial, any other judge or justice of the court in which the trial is proceeding may proceed with and finish the trial; or if there be no other judge or justice of that court available, then the clerk, sheriff, marshal or constable shall adjourn the court and notify the Chairman of the Judicial Council of the facts, and shall continue the case from day to day until such time as said chairman shall designate and assign a judge or justice of some other court, and such judge or justice shall arrive, to proceed with and complete the trial, or until such time as by stipulation in writing between the prosecuting attorney and the attorney for the defendant, filed with the court, a judge or justice shall be agreed upon by them, and such judge or justice shall arrive to complete said trial. The judge or justice authorized by the provision of this section to proceed with and complete the trial shall have the same power, authority and jurisdiction as if the trial had been commenced before such judge or justice. Substitution of judges

SEC. 92. Section 1057 of said code is amended to read:

1057. A panel is a list of jurors returned by a sheriff, marshal, constable, or other proper officer, to serve at a particular court, or for the trial of a particular action. Panel

SEC. 93. Section 1059 of said code is amended to read:

Foundation of challenge

1059. A challenge to the panel can be founded only on a material departure from the forms prescribed in respect to the drawing and return of the jury in civil actions, or on the intentional omission of the sheriff, marshal, constable, or other officer, to summon one or more of the jurors drawn.

SEC. 94. Section 1093 of said code is amended to read:

Order of procedure

1093. The jury having been impaneled and sworn, unless waived, the trial must proceed in the following order, unless otherwise directed by the court:

1. If the accusatory pleading be for a felony, the clerk must read it, and state the plea of the defendant to the jury, and in cases where it charges a previous conviction, and the defendant has confessed the same, the clerk in reading it shall omit therefrom all that relates to such previous conviction. In all other cases this formality may be dispensed with.

2. The district attorney, or other counsel for the people, must open the cause and offer the evidence in support of the charge.

3. The defendant or his counsel may then open the defense, and offer his evidence in support thereof.

4. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

5. When the evidence is concluded, unless the case is submitted on either side, or on both sides, without argument, the district attorney, or other counsel for the people, and counsel for the defendant, may argue the case to the court and jury; the district attorney, or other counsel for the people, opening the argument and having the right to close.

6. The judge may then charge the jury, and must do so on any points of law pertinent to the issue, if requested by either party; and he may state the testimony, and may comment on the failure of the defendant to explain or deny by his testimony any evidence or facts in the case against him, whether the defendant testifies or not, and he may make such comment on the evidence and the testimony and credibility of any witness as in his opinion is necessary for the proper determination of the case and he may declare the law. At the beginning of the trial or from time to time during the trial, and without any request from either party, the trial judge may give the jury such instructions on the law applicable to the case as he may deem necessary for their guidance on hearing the case. The trial judge may cause copies of instructions so given to be delivered to the jurors at the time they are given.

SEC. 95. Section 1095 of said code is amended to read:

Number of counsel

1095. If the offense charged is punishable with death, two counsel on each side may argue the cause. In any other case the court may, in its discretion, restrict the argument to one counsel on each side.

SEC. 96. Section 1099 of said code is amended to read.

1099. When two or more defendants are included in the same accusatory pleading, the court may, at any time before the defendants have gone into their defense, on the application of the prosecuting attorney, direct any defendant to be discharged, that he may be a witness for the people. Discharge of joint defendant As witness for people

SEC. 97. Section 1100 of said code is amended to read:

1100. When two or more defendants are included in the same accusatory pleading, and the court is of opinion that in regard to a particular defendant there is not sufficient evidence to put him on his defense, it must order him to be discharged before the evidence is closed, that he may be a witness for his codefendant. Same: As witness for codefendant

SEC. 98. Section 1119 of said code is amended to read:

1119. When, in the opinion of the court, it is proper that the jury should view the place in which the offense is charged to have been committed, or in which any other material fact occurred, or any personal property which has been referred to in the evidence and cannot conveniently be brought into the courtroom, it may order the jury to be conducted in a body, in the custody of the sheriff, marshal or constable, as the case may be, to the place, or to such property, which must be shown to them by a person appointed by the court for that purpose; and the officer must be sworn to suffer no person to speak or communicate with the jury, nor to do so himself, on any subject connected with the trial, and to return them into court without unnecessary delay, or at a specified time. View of premises

SEC. 99. Section 1127 of said code is amended to read:

1127. All instructions given shall be in writing, unless there is a phonographic reporter present and he takes them down, in which case they may be given orally; provided however, that in all misdemeanor cases oral instructions may be given pursuant to stipulation of the prosecuting attorney and counsel for the defendant. In charging the jury the court may instruct the jury regarding the law applicable to the facts of the case, and may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the case and in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court. The court shall inform the jury in all cases that the jurors are the exclusive judges of all questions of fact submitted to them and of the credibility of the witnesses. Either party may present to the court any written charge on the law, but not with respect to matters of fact, and request that it be given. If the court thinks it correct and pertinent, it must be given; if not, it must be refused. Upon each charge presented and given or refused, the court must endorse and sign its decision and a statement showing which party requested it. If part be given and part refused, the court must distinguish, showing Instructions

by the endorsement what part of the charge was given and what part refused.

SEC. 100. Section 1130 of said code is amended to read:

Prosecuting attorney Failure to attend

1130. If the prosecuting attorney fails to attend at the trial in the superior court, the court must appoint some attorney at law to perform the duties of the prosecuting attorney on such trial.

SEC. 101. Section 1135 of said code is amended to read:

Accommodations for jury

1135. A room must be provided by the board of supervisors of each county for the use of the jury, in superior and municipal courts only, upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery. If the board of supervisors neglect to do so any such court may order the sheriff or marshal to do so, and the expenses incurred by him in carrying the order into effect, when certified by the court, are a county charge; provided, however, that said board of supervisors shall provide a room for the female members of the jury which shall be separate and apart from the room provided for the male members.

SEC. 102. Section 1136 of said code is amended to read:

Food etc., for jury

1136. While the jury are kept together, either during the progress of the trial or after their retirement for deliberation, the court must direct the sheriff, marshal or constable to provide the jury with suitable and sufficient food and lodging, or other reasonable necessities. In the superior, municipal and justice's courts, the expenses incurred under the provisions of this section shall be a charge against the county or city and county in which said court is held. In all other courts such expenses shall be a charge against the city in which the court is held. All such expenses shall be paid on the order of the court.

SEC. 103 Section 1138 of said code is amended to read:

Information for jury

1138. After the jury have retired for deliberation, if there be any disagreement between them as to the testimony, or if they desire to be informed on any point of law arising in the case, they must require the officer to conduct them into court. Upon being brought into court, the information required must be given in the presence of, or after notice to, the prosecuting attorney, and the defendant or his counsel, or after they have been called.

Repeal

SEC. 104. Section 1144 of said code is repealed.

SEC. 105. The heading of Chapter 4, Title 7, Part 2 of said code is amended to read:

CHAPTER 4. THE VERDICT OR FINDING

SEC. 106. Section 1150 of said code is amended to read:

Type of verdict

1150. The jury must render a general verdict, except that in a superior court, when they are in doubt as to the legal effect of the facts proved, they may, except upon a trial for libel, find a special verdict.

SEC. 107. Section 1151 of said code is amended to read:

1151. A general verdict upon a plea of not guilty is either "guilty" or "not guilty," which imports a conviction or acquittal of the offense charged in the accusatory pleading. Upon a plea of a former conviction or acquittal of the offense charged, or upon a plea of once in jeopardy, the general verdict is either "for the people" or "for the defendant." When the defendant is acquitted on the ground of a variance between the accusatory pleading and the proof, the verdict is "not guilty by reason of variance between charge and proof." Form of verdict

SEC. 108. Section 1155 of said code is amended to read:

1155. The court must give judgment upon the special verdict as follows: Judgment on special verdict

1. If the plea is not guilty, and the facts prove the defendant guilty of the offense charged in the indictment or information, or of any other offense of which he could be convicted under that indictment or information, judgment must be given accordingly. But if otherwise, judgment of acquittal must be given.

2. If the plea is a former conviction or acquittal or once in jeopardy of the same offense, the court must give judgment of acquittal or conviction, as the facts prove or fail to prove the former conviction or acquittal or jeopardy.

SEC. 109. Section 1157 of said code is amended to read:

1157. Whenever a defendant is convicted of a crime which is distinguished into degrees, the jury, or the court if a jury trial is waived, must find the degree of the crime of which he is guilty. Upon the failure of the jury or the court to so determine, the degree of the crime of which the defendant is guilty, shall be deemed to be of the lesser degree. Degree of crime

SEC. 110. Section 1158 of said code is amended to read:

1158. Whenever the fact of a previous conviction of another offense is charged in an accusatory pleading, and the defendant is found guilty of the offense with which he is charged, the jury, or the judge if a jury trial is waived, must unless the answer of the defendant admits such previous conviction, find whether or not he has suffered such previous conviction. The verdict or finding upon the charge of previous conviction may be: "We (or I) find the charge of previous conviction true" or "We (or I) find the charge of previous conviction not true," according as the jury or the judge find that the defendant has or has not suffered such conviction. If more than one previous conviction is charged a separate finding must be made as to each. Finding on charge of previous conviction

SEC. 111. Section 1159 of said code is amended to read:

1159. The jury, or the judge if a jury trial is waived, may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense. Conviction on lesser offense

SEC. 112. Section 1160 of said code is amended to read:

1160. On a charge against two or more defendants jointly, if the jury cannot agree upon a verdict as to all, they may render a verdict as to the defendant or defendants in regard to whom Verdict as to some defendants

they do agree, on which a judgment must be entered accordingly, and the case as to the other may be tried again.

Verdict as to some offenses

Where two or more offenses are charged in any accusatory pleading, if the jury cannot agree upon a verdict as to all of them, they may render a verdict as to the charge or charges upon which they do agree, and the charges on which they do not agree may be tried again.

SEC. 113. Section 1164 of said code is amended to read:

Recordation of verdict, etc

1164. When the verdict given is such as the court may receive, the clerk, or if there is no clerk, the judge or justice, must record it in full upon the minutes, and if requested by any party must read it to the jury, and inquire of them whether it is their verdict. If any juror disagrees, the fact must be entered upon the minutes and the jury again sent out; but if no disagreement is expressed, the verdict is complete, and the jury must be discharged from the case.

SEC. 114. Section 1165 of said code is amended to read:

Procedure on finding for defendant

1165. Where a general verdict is rendered or a finding by the court is made in favor of the defendant, except on a plea of not guilty by reason of insanity, a judgment of acquittal must be forthwith given. If such judgment is given, or a judgment imposing a fine only, without imprisonment for nonpayment is given, and the defendant is not detained for any other legal cause, he must be discharged, if in custody, as soon as the judgment is given, except that where the acquittal is because of a variance between the pleading and the proof which may be obviated by a new accusatory pleading, the court may order his detention, to the end that a new accusatory pleading may be preferred, in the same manner and with like effect as provided in Section 1117.

SEC. 115. Section 1167 is added to said code, to read:

Procedure when jury trial waived

1167. When a jury trial is waived, the judge or justice before whom the trial is had shall, at the conclusion thereof, announce his findings upon the issues of fact, which shall be in substantially the form prescribed for the general verdict of a jury and shall be entered upon the minutes.

SEC. 116. Section 1180 of said code is amended to read:

New trial

1180. The granting of a new trial places the parties in the same position as if no trial had been had. All the testimony must be produced anew, and the former verdict or finding cannot be used or referred to, either in evidence or in argument, or be pleaded in bar of any conviction which might have been had under the accusatory pleading.

SEC. 117. Section 1181 of said code is amended to read:

Same When granted

1181. When a verdict has been rendered or a finding made against the defendant, the court may, upon his application, grant a new trial, in the following cases only:

1. When the trial has been had in his absence except in cases where the trial may lawfully proceed in his absence;

2. When the jury has received any evidence out of court, other than that resulting from a view of the premises, or of personal property;

3. When the jury has separated without leave of the court after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;

4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial, and when the district attorney or other counsel prosecuting the case has been guilty of prejudicial misconduct during the trial thereof before a jury;

6. When the verdict or finding is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof, or of a lesser crime included therein, the court may modify the verdict, finding or judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed;

7. When the verdict or finding is contrary to law or evidence, but in any case wherein authority is vested by statute in the trial court or jury to recommend or determine as a part of its verdict or finding the punishment to be imposed, the court may modify such verdict or finding by imposing the lesser punishment without granting or ordering a new trial, and this power shall extend to any court to which the case may be appealed;

8. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all circumstances of the case, may seem reasonable.

SEC. 118. Section 1185 of said code is amended to read:

Motion in arrest of judgment

1185. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea, finding, or verdict of guilty, or on a finding or verdict against the defendant, on a plea of a former conviction, former acquittal or once in jeopardy. It may be founded on any of the defects in the accusatory pleading mentioned in Section 1004, unless the objection has been waived by a failure to demur, and must be made and determined before the judgment is pronounced. When determined, the order must be immediately entered in the minutes.

SEC. 119. Section 1186 of said code is amended to read:

Arrest of judgment

1186. The court may, on its own motion, at any time before judgment is pronounced, arrest the judgment for any of the defects in the accusatory pleading upon which a motion in

arrest of judgment may be founded as provided in Section 1185, by order for that purpose entered upon its minutes.

SEC. 120. Section 1187 of said code is amended to read:

Effect of order arresting judgment

1187. The effect of an order arresting judgment, in a superior court, is to place the defendant in the same situation in which he was immediately before the indictment was found or information filed. In any other court the effect is to place the defendant in the situation in which he was before the trial was had.

SEC. 121. Section 1191 of said code is amended to read:

Time for pronouncing judgment

1191. In the superior court, after a plea, finding or verdict of guilty, or after a finding or verdict against the defendant on a plea of a former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment, which must be within 21 days after the verdict, finding or plea of guilty, during which time the court shall refer the case to the probation officer for a report if eligible to probation and pursuant to Section 1203 of this code; provided, however, that the court may extend the time not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment, and may further extend the time until the probation officer's report is received and until any proceedings for granting or denying probation have been disposed of. If in the opinion of the court there is a reasonable ground of believing a defendant insane, the court may extend the time for pronouncing sentence until the question of insanity has been heard and determined, as provided in this code.

SEC. 122. Section 1193 of said code is amended to read:

Pronouncement of judgment

1193. Judgment upon persons convicted of commission of crime shall be pronounced as follows:

1. If the conviction be for a felony, the defendant must be personally present when judgment is pronounced against him, unless, after the exercise of reasonable diligence to procure the presence of the defendant, the court shall find that it will be in the interest of justice that judgment be pronounced in his absence; provided, that when any judgment imposing the death penalty has been affirmed by the appellate court, sentence may be reimposed upon the defendant in his absence by the court from which such appeal was taken, and in the manner following, to wit: Upon receipt by the superior court from which such appeal is taken of the certificate of the appellate court affirming such judgment, the judge of the said superior court shall forthwith make and cause to be entered an order pronouncing sentence against the defendant, and a warrant signed by the judge, and attested by the clerk under the seal of the court, must be drawn, and it must state the conviction and judgment and appoint a day upon which the judgment shall be executed, which must not be less than 60 days nor more than 90 days from the time of making such order; and that, within five days thereafter, a certified copy of such order, attested by the clerk under the seal of the court, and attached to the warrant, must, for the purpose of execution, be trans-

mitted by registered mail to the warden of the state prison having the custody of the defendant and certified copies thereof must be transmitted by registered mail to the Governor; and provided further, that when any judgment imposing the death penalty has been affirmed and sentence has been reimposed as above provided there shall be no appeal from the order fixing the time for and directing the execution of such judgment as herein provided.

2. If the conviction be of a misdemeanor, judgment may be pronounced against the defendant in his absence.

SEC. 123. Section 1195 of said code is amended to read:

1195. If the defendant has been released on bail, or has deposited money or property instead thereof, and does not appear for judgment when his personal appearance is necessary, the court, in addition to the forfeiture of the undertaking of bail, or of the money or property deposited, must, on application of the prosecuting attorney, direct the issuance of a bench warrant for the arrest of the defendant. Bench warrant On non-appearance

SEC. 124. Section 1196 of said code is amended to read:

1196. The clerk, or the judge or justice, if there is no clerk, on application of the prosecuting attorney, must at any time after the order issue a bench warrant into one or more counties. Issuance

SEC. 125. Section 1197 of said code is amended to read:

1197. The bench warrant must be substantially in the following form: Form

County of _____

The people of the State of California to any peace officer in this State: _____ (name of defendant) having been on the _____ day of _____, 19___, duly convicted in the _____ court of _____ (naming the court) of the crime of _____ (designating it generally), you are therefore commanded forthwith to arrest the above named defendant and bring him before that court for judgment.

Given under my hand with the seal of said court affixed, this _____ day of _____, 19___.

By order of said court.

_____

(SEAL) Clerk (or Judge, or Justice)

SEC. 126. Section 1198 of said code is amended to read:

1198. The bench warrant may be served in any county in the same manner as a warrant of arrest. Service

SEC. 127. Section 1199 of said code is amended to read:

1199. Whether the bench warrant is served in the county in which it was issued or in another county, the officer must arrest the defendant and bring him before the court, or deliver him to any peace officer of the county from which the warrant issued, who must bring him before said court according to the command thereof. Arrest

SEC. 128. Section 1205 of said code is amended to read:

Fines

1205. A judgment that the defendant pay a fine, with or without other punishment, may also direct that he be imprisoned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment must specify the extent of the imprisonment for nonpayment of the fine, which must not be more than one day for each two dollars ($2) of the fine, nor exceed in any case the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. A defendant held in custody for nonpayment of a fine shall be entitled to credit on the fine for each day he is so held in custody, at the rate specified in the judgment. When the defendant has been convicted of a misdemeanor, a judgment that the defendant pay a fine may also direct that he pay the fine within a limited time or in installments on specified dates and that in default of payment as therein stipulated he be imprisoned until the fine is satisfied in full; but unless such direction is given in the judgment, the fine shall be payable forthwith.

Except as otherwise provided in case of fines imposed as conditions of probation, the defendant must pay the fine to the clerk of the court, or to the judge or justice thereof if there is no clerk, unless the defendant is taken into custody for nonpayment of the fine, in which event payments made while he is in custody shall be made to the officer who holds him in custody and all amounts so paid shall be forthwith paid over by such officer to the court which rendered the judgment. The clerk shall report to the court every default in payment of a fine or any part thereof, or if there is no clerk, the court shall take notice of such default. If time has been given for payment of a fine or it has been made payable in installments, the court shall, upon any default in payment immediately order the arrest of the defendant and order him to show cause why he should not be imprisoned until the fine is satisfied in full. If the fine is payable forthwith and it is not so paid, the court shall, without further proceedings, immediately commit the defendant to the custody of the proper officer to be held in custody until the fine is satisfied in full. The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment.

SEC. 129. Section 1207 of said code is amended to read:

Entry of conviction judgment

1207. When judgment upon a conviction is rendered, the clerk, or if there is no clerk, the judge or justice, must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any. A copy of the judgment of conviction shall be filed with the papers in the case.

SEC. 130. Section 1213 of said code is amended to read:

1213. When a judgment, other than of death, has been pronounced, a copy of the entry thereof or if the judgment is for imprisonment in a state prison, an abstract thereof as provided in Section 1213.5, certified by the clerk of the court, or by the judge or justice if there is no clerk, must be forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution. Proceedings on judgment

SEC. 131. The heading of Title 9, Part 2 of said code is amended to read:

TITLE 9. APPEALS FROM SUPERIOR COURTS

SEC. 132. Section 1235 of said code is amended to read:

1235. Either party to a criminal action within the original trial jurisdiction of a superior court may appeal from that court on questions of law alone, as prescribed in this title and in rules adopted by the Judicial Council. The provisions of this title apply only to such appeals. Appeal

SEC. 133. Section 1237 of said code is amended to read:

1237. An appeal may be taken by the defendant: Same By defendant

1. From a final judgment of conviction; an order granting probation shall be deemed to be a final judgment within the meaning of this section;

2. From an order denying a motion for a new trial;

3. From any order made after judgment, affecting the substantial rights of the party.

SEC. 134. Section 1238 of said code is amended to read:

1238. An appeal may be taken by the people: Same By people

1. From an order setting aside the indictment, information, or complaint;

2 From a judgment for the defendant on a demurrer to the indictment, accusation or information;

3. From an order granting a new trial;

4. From an order arresting judgment;

5. From an order made after judgment, affecting the substantial rights of the people;

6. From an order modifying the verdict or finding by reducing the degree of the offense or the punishment imposed.

SEC. 135. Section 1243 of said code is amended to read:

1243. An appeal to the Supreme Court or to a district court of appeal from a judgment of conviction stays the execution of the judgment in all cases where sentence of death has been imposed, but does not stay the execution of the judgment in any other case unless the trial or appellate court shall so order. The granting or refusal of such order shall rest in the discretion of the court. If such order is made, the clerk of the court shall issue a certificate stating that such order has been made. Effect of appeal

SEC. 136. Section 1247e of said code is repealed. Repeal

SEC. 137. Section 1262 of said code is amended to read:

1262. If a judgment against the defendant is reversed, such reversal shall be deemed an order for a new trial, unless Effect of reversal

the appellate court shall otherwise direct. If the appellate court directs a final disposition of the action in the defendant's favor, the court must, if he is in custody, direct him to be discharged therefrom; or if on bail that his bail may be exonerated; or if money or other property was deposited instead of bail, that it be refunded to the defendant or to the person or persons found by the court to have deposited said money or other property on behalf of said defendant.

SEC. 138. Section 1326 of said code is amended to read:

Subpena

1326. The process by which the attendance of a witness before a court or magistrate is required is a subpena; it may be signed and issued by:

1. A magistrate before whom a complaint is laid, for witnesses in the State, either on behalf of the people or of the defendant.

2. The district attorney, or, upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of the prosecution, for those witnesses whose testimony, in his opinion, is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

3. The district attorney, or, upon request of the grand jury, any judge of the superior court, for witnesses in the State, in support of an indictment or information, to appear before the court in which it is to be tried.

4. The clerk of the court in which a criminal action is to be tried, or if there is no clerk, the judge or justice of the court; and he must, at any time, upon application of the defendant, and without charge, issue as many blank subpenas, subscribed by him, for witnesses in the State, as the defendant may require.

SEC. 139. The heading of Chapter 8, Title 10, Part 2 of said code is amended to read:

CHAPTER 8. DISMISSAL OF THE ACTION FOR WANT OF PROSECUTION OR OTHERWISE

SEC. 140. Section 1382 of said code is amended to read:

Dismissal: When in order

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public offense and an information is not filed against him, within 15 days thereafter.

2. If a defendant, whose trial has not been postponed upon his application, is not brought to trial in a superior court within 60 days after the finding of the indictment, or filing of the information, or in case a new trial is to be had following an appeal from the superior court within 60 days after the filing of the remittitur in the trial court.

3. Where the trial has not been postponed upon the defendant's application, if the defendant in a misdemeanor case in an inferior court, is not brought to trial within 30 days

after he is arrested and brought within the jurisdiction of the court, unless by his own neglect or failure to appear in court when his presence is lawfully required, his trial must be postponed or in case a new trial is to be had following an appeal from an inferior court, if the defendant is not brought to trial within 30 days after the remittitur is filed in the trial court or within 30 days after the judgment on appeal becomes final, if the new trial is to be held in the superior court.

SEC. 141. Section 1385 of said code is amended to read:

Same

1385. The court may, either of its own motion or upon the application of the prosecuting attorney, and in furtherance of justice, order an action to be dismissed. The reasons of the dismissal must be set forth in an order entered upon the minutes. No dismissal shall be made for any cause which would be ground of demurrer to the accusatory pleading.

SEC. 142. Section 1387 of said code is amended to read:

Effect of dismissal

1387. An order for the dismissal of the action, made as provided in this chapter, is a bar to any other prosecution for the same offense if it is a misdemeanor, but not if it is a felony.

SEC. 143. The heading of Title 11, Part 2 of said code is amended to read:

TITLE 11. PROCEEDINGS IN INFERIOR COURTS AND APPEALS TO SUPERIOR COURTS

SEC. 144. The heading of Chapter 1, Title 11, Part 2 of said code is amended to read:

CHAPTER 1. PROCEEDINGS IN INFERIOR COURTS

Repeal

SEC. 145. Sections 1426 and 1426.1 of said code are repealed.

SEC. 146. Section 1427 of said code is amended to read:

Warrants Issuance

1427. (a) When a complaint is presented to a judge or justice of an inferior court of the commission of a public offense appearing to be triable in his court, he must, if satisfied therefrom that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, issue a warrant, for the arrest of the defendant.

(b) Such warrant of arrest and proceedings upon it, shall be in conformity to the provisions of this code regarding warrants of arrest, and it may be in the following form:

Form

County of _____

The people of the State of California, to any peace officer in this State:

Complaint upon oath having been this day made before me that the offense of _____ (designating it generally) has been committed and accusing _____ (name of defendant) thereof you are therefore commanded forthwith to arrest the above named defendant and bring him forthwith before the _____ court of _____ (stating full title of court) at _____ (naming place).

Witness my hand and the seal of said court this _____ day of _____, 19___.

(Signed)

_____

Judge (or justice) of said court

Offense by corporation

If it appears that the offense complained of has been committed by a corporation, no warrant of arrest shall issue, but the judge or justice must issue a summons substantially in the form prescribed in Section 1391. Such summons must be served at the time and in the manner designated in Section 1392. At the time stated in the summons the corporation may appear by counsel and answer the complaint.

SEC. 147. Section 1428 of said code is amended to read:

Docket

1428. A docket must be kept by the judge or justice of each inferior court having jurisdiction of criminal actions or proceedings, or by the clerk of such court, if there is one, in which must be entered the title of each criminal action or proceeding and under each title all the orders and proceedings in such action or proceeding. Wherever by any other section of this code made applicable to such courts an entry of any judgment, order or other proceeding in the minutes is required, an entry thereof in the docket shall be made and shall be deemed a sufficient entry in the minutes for all purposes, except in the cases provided for by Section 1428a.

Repeal

SEC. 148. Sections 1428.1, 1428.2, and 1428.3 of said code are repealed.

SEC. 149. Section 1429 of said code is amended to read:

Proceedings on misdemeanor charge

1429. In the case of a misdemeanor triable in any inferior court the plea of the defendant may be made by said defendant or by his counsel. If such defendant pleads guilty, the court may, before entering such plea or pronouncing judgment, examine witnesses to ascertain the gravity of the offense committed; and if it appear to the court that a higher offense has been committed than the offense charged in the complaint, the court may order the defendant to be committed or admitted to bail, to answer any indictment which may be found against him by the grand jury, or any complaint which may be filed charging him with such higher offense.

Repeal

SEC. 150. Sections 1430, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, and 1446 of said code are repealed.

SEC. 151. Section 1447 of said code is amended to read:

Costs on acquittal

1447. When the defendant is acquitted in an inferior court, if the court certify in the minutes that the prosecution was malicious and without probable cause, it may order the complainant to pay the costs of the action, or to give satisfactory security by a written undertaking with one or more sureties, to pay the same within 30 days after the trial.

Inferior courts Time for pronouncing judgment

SEC. 152. Section 1449 of said code is amended to read:

1449. In inferior courts, after a plea, finding or verdict of guilty, or after a finding or verdict against the defendant

on a plea of former conviction or acquittal, or once in jeopardy, the court must appoint a time for pronouncing judgment which must not be less than six hours, nor more than five days, after the verdict or plea of guilty, unless the defendant waives the postponement; provided, however, that the court may extend the time not more than 10 days for the purpose of hearing or determining any motion for a new trial, or in arrest of judgment; and, provided, further, that the court may extend the time not more than 20 days in any case where the question of probation is considered; provided, however, that upon request of the defendant such time may be further extended not more than 90 days additional. In case of a postponement, the court may hold the defendant to bail to appear for judgment. If in the opinion of the court there is a reasonable ground for believing a defendant insane, the court may extend the time of pronouncing judgment and may commit the defendant to custody until the question of insanity has been heard and determined.

In the event that the defendant is a veteran who was discharged from service for mental disability, upon his request his case shall be referred to the probation officer, who shall secure a military medical history of such defendant and present it to the court together with his recommendation for or against probation.

SEC. 153. Sections 1450, 1451, 1452, 1453, 1454, 1455, and 1456 of said code are repealed. Repeal

SEC. 154. Section 1458 of said code is amended to read:

1458. The provisions of this code relative to bail are applicable to bail in cases triable in inferior courts. The defendant, at any time after his arrest and before conviction, may be admitted to bail. The undertaking of bail in such a case shall be in substantially the following form: Bail Form of undertaking

A complaint having been filed on the _____ day of _____ 19____ in the _____ court of_____ County of _____ (stating title and location of court) charging _____ (naming defendant) as defendant with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____) (stating amount);

We _____ and _____ of _____ (stating their places of residence and occupation) hereby undertake that the above named defendant will appear and answer the complaint above mentioned and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and, if convicted, will appear for judgment and render himself in execution thereof; or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond is ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (naming the sureties and the defendant if he is a

party to the bond) for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of this code.

Repeal

SEC. 155. Sections 1459 and 1460 of said code are repealed.

SEC. 156. Section 1461 of said code is amended to read:

"Police court"

1461. The term "police court" as used in this chapter, includes police judges' courts, police courts, city courts and all courts held by mayors or recorders in incorporated cities or towns; provided, that while hearing and disposing of cases of which such police courts have concurrent jurisdiction with justices' courts, said police courts shall function as police courts and not as justices' courts, and all fines collected in such cases shall be paid to the city treasurer of the city in which such court is located, as expressly provided in Sections 1457 and 1570 of this code.

Repeal

SEC. 157. Section 1461a of said code is repealed.

SEC. 158. Section 1466 of said code is amended to read:

Appeal from inferior court

1466. An appeal may be taken from a judgment or order of an inferior court, in a criminal case, to the superior court of the county in which such inferior court is located, in the following cases:

1. By the people:

(a) From an order or judgment dismissing or otherwise terminating the action before the defendant has been placed in jeopardy or where the defendant has waived jeopardy;

(b) From a judgment for the defendant upon the sustaining of a demurrer;

(c) From an order granting a new trial;

(d) From an order arresting judgment;

(e) From any order made after judgment affecting the substantial rights of the people.

2. By the defendant:

(a) From a final judgment of conviction;

(b) From any order made after judgment affecting his substantial rights;

(c) From an order denying a motion for a new trial;

(d) From an order granting or denying probation.

Repeal

SEC. 159. Section 1467 of said code is repealed.

SEC. 160. Section 1467 is added to said code, to read:

Effect of appeal

1467. An appeal to the superior court from a judgment of conviction does not stay the execution of the judgment in any case unless the trial or superior court shall so order. The granting or refusal of such order shall rest in the discretion of the court.

SEC. 161. Section 1468 of said code is amended to read:

Proceedings on appeal

1468. Appeals to the superior courts shall be taken, heard and determined, the decisions thereon shall be remitted to the inferior courts, and the records on such appeals shall be made up and filed in such time and manner as shall be prescribed in rules adopted by the Judicial Council.

CHAPTER 1675

An act to validate the expenditure of certain major city street funds by the City of Calexico.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The expenditure by the City of Calexico of the sum of twenty-four thousand four hundred nine dollars and seventeen cents ($24,409.17) out of the major city street moneys heretofore apportioned and advanced to the City of Calexico during the fiscal year ending June 30, 1950, for the construction of those certain highway projects described as Projects Nos. 23 and 24 of the major city street fund budget of said city in the memorandum of agreement between the City of Calexico and the Department of Public Works, on file in the Office of the Department of Public Works of the State of California, is hereby validated, ratified and confirmed.

Confirmation, etc., of expenditure

CHAPTER 1676

An act to amend Sections 70, 504, 1181, 1865, and 3440 of the Civil Code and Sections 502, 739, 743.6, and 744 of the Vehicle Code, relating to courts of justice, various officers thereof, and judicial districts.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 70 of the Civil Code is amended to read:

70. Marriage may be solemnized by either a justice of the Supreme Court, justice of the district courts of appeal, judge of the superior court, judge of the municipal court, judge of a justice court, priest or minister of the gospel of any denomination, of the age of 21 years or upwards.

Solemnization of marriage

SEC. 2. Section 504 of the Civil Code is amended to read:

504. Any corporation, or agent or employee thereof, demanding or charging a greater sum of money for fare on the cars of such street railroad than that fixed, as provided in this title, forfeits to the person from whom such sum is received, or who is thus overcharged, the sum of two hundred dollars ($200), to be recovered in a civil action, in any court having jurisdiction thereof, against the corporation.

Forfeiture for overcharge

SEC. 3. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made in this State, within the city, county, city and county, or district for which the officer was elected, or appointed, before either:

Acknowledgment

1. A clerk of a court of record;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A notary public;
6. A judge of a justice court;

SEC. 4. Section 1865 of the Civil Code is amended to read:

Finder, etc

1865. If the finder of a thing, other than a domestic animal, takes possession thereof, or if a person saves any such animal from drowning or starvation, he must, within a reasonable time, inform the owner thereof, if known, and make restitution to him upon demand, without compensation, except a reasonable charge for saving and caring therefor.

If the owner is not known to such finder or saver, he must, within five days, file an affidavit with the judge of the justice or municipal court of the county whose office is nearest to the place of such finding or saving, particularly describing the property and the time, place, and circumstances under which it was found or saved. Such judge must then summon three disinterested persons to appraise the property. They, or a majority of them, must make two lists of the valuation and description of the property, by them verified, and deliver one of such lists to the judge, to be kept by him on file in his office, and the other list must be delivered to the finder or saver, who must, within five days thereafter, cause it to be filed for record in the office of the county recorder of the county, who must record it in a book known as the "estray and lost property book."

SEC. 5. Section 3440 of the Civil Code is amended to read:

Personal property Transfer without delivery

3440. Every transfer of personal property, other than a thing in action, or a ship or cargo at sea or in a foreign port, and every lien thereon, other than a mortgage, when allowed by law, and a contract of bottomry or respondentia, is conclusively presumed if made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things transferred, to be fraudulent, and therefore void, against those who are his creditors while he remains in possession, and the successors in interest of such creditors, and against any persons on whom his estate devolves in trust for the benefit of others than himself, and against purchasers or encumbrancers in good faith subsequent to the transfer; provided, however, that the provisions of this section shall not apply to the transfers of wines in the wineries or wine cellars of the makers or owners thereof, or other persons having possession, care, and control of the same, and the pipes, casks and tanks in which the said wines are contained, which transfers shall be made in writing, and certified and verified in the same form as provided for chattel mortgages, and which shall be recorded in the book of official records in the office of the county recorder of the county in which the same

Bulk sales

are situated; provided, also, that the sale, transfer or assign-

ment of a stock in trade, in bulk, or a substantial part thereof otherwise than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, will be conclusively presumed to be fraudulent and void as against the existing creditors of the vendor, transferor, assignor or mortgagor, unless at least 10 days before the consummation of such sale, transfer, assignment or mortgage, the vendor, transferor, assignor or mortgagor, or the intended vendee, transferee, assignee or mortgagee, shall record in the office of the county recorder in the county or counties in which the said stock in trade, fixtures or equipment are situated a notice of said intended sale, transfer, assignment or mortgage, stating the name and address of the intended vendor, transferor, assignor or mortgagor and the name and address of the intended vendee, transferee, assignee or mortgagee, and a general statement of the character of the merchandise or property intended to be sold, assigned, transferred or mortgaged, and the date when and the place where the purchase price or consideration, if any there be, is to be paid; and shall publish a copy of such notice in a newspaper of general circulation published in the judicial district in which such stock in trade, fixtures or equipment are situated, if there be one, and if there be none in such judicial district, then in such a newspaper in the county embracing such judicial district, at least once, which publication shall be completed not less than five days before the date of such intended sale, transfer, assignment or mortgage; provided, nevertheless, that if such intended sale is to be at public auction the notice above required to be recorded and published shall state that fact, the time, terms, and place of said sale, the names and addresses of the vendor and auctioneer, and a general statement of the character of the merchandise or property intended to be sold; but such sale shall in no event occur within 10 days of the date of recordation of said notice; and any auctioneer selling said stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant shall be personally liable for all damages incurred by any creditor of said merchant in the event said notice is not recorded and published as aforesaid; provided further, that the provisions of this section shall not apply or extend to any sale, transfer, or assignment of a stock in trade nor to any sale, transfer, assignment or mortgage of the fixtures, or store equipment, of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment,

statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally, nor to any sale, transfer, assignment or mortgage of any property exempt from execution.

SEC. 6. Section 502 of the Vehicle Code is amended to read:

Driving under influence of liquor

502. When Person Driving Under Influence of Liquor Guilty of Misdemeanor. (a) It is unlawful for any person who is under the influence of intoxicating liquor to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 90 days nor more than one year or by a fine of not less than two hundred dollars ($200) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

(b) Whenever any person is convicted of a violation of this section it is the duty of the judge unless, under the provisions of Section 307, the court recommends that there be no license suspension, to require the surrender to him of any operator's or chauffeur's license of such person and to forward the same to the department with the abstract of conviction as provided in Section 744 hereof, and the department shall suspend the driving privilege of any person so convicted as provided in Section 307.

SEC. 7. Section 739 of the Vehicle Code is amended to read:

Notice to appear

739. When Person Arrested to Be Given Notice to Appear in Court. (a) Whenever a person is arrested for any violation of this code, not declared herein to be a felony, and such person is not immediately taken before a magistrate as hereinbefore required or permitted, the arresting officer shall prepare in duplicate a written notice to appear in court containing the name and address of such person, the license number of his vehicle if any, the offense charged and the time and place when and where such person shall appear in court.

Time

(b) The time specified in said notice to appear must be at least five days after such arrest.

Place

(c) The place specified in said notice to appear shall be either:

(1) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where said arrest is made; or

(2) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat of the county in which such offense is

alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(3) Before an officer authorized by the city, county, or city and county, to receive a deposit of bail.

Notice to arrested person

(d) Said officer shall deliver one copy of said notice to appear to the arrested person and said arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by said officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

Copy to magistrate

(e) Said officer shall, as soon as practicable, file said duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon said notice a statement signed by him in the form set forth in Section 815a of the Penal Code The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be.

Warrant

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 8. Section 743.6 of the Vehicle Code is amended to read:

Proceedings on arrest

743.6. Procedure Upon Arrest Discretionary in Certain Cases. Whenever any person is arrested by any member of the California Highway Patrol for any violation of any state law regulating the operation of vehicles or the use of the highways declared to be a misdemeanor but which offense is not specified in this code, such person shall, in the judgment of the arresting officer, either be given a five-day notice to appear in the manner hereinbefore provided or be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with reference to the place where said arrest is made, or, upon demand of the person arrested, *before a magistrate in the judicial district in which the offense is alleged to have been committed.*

SEC. 9. Section 744 of the Vehicle Code is amended to read:

Record

744. Conviction to Be Reported to Department. (a) Every judge of a court not of record shall keep a full record of every case in which a person is charged with any violation of this code.

Abstract to department

(b) Within 10 days after the conviction of a person for any violation of this code, excepting violations of Sections 586, 587 and 588 of this code relating to the improper parking of vehicles, every judge of a court not of record and every clerk of a court of record in which such conviction was had, shall prepare and immediately forward to the department at its office at Sacramento an abstract of the record of said court covering the case in which said person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

Same Form and contents

(c) Said abstract must be made upon a form furnished by the department and shall contain all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment and the amount of the fine or forfeiture, as the case may be.

Failure, etc., of officer to comply

(d) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

Department record

(e) The department shall keep all abstracts received hereunder at its office in Sacramento and the same shall be open to public inspection during reasonable business hours.

Forfeiture of bail

(f) For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

Operative date

SEC. 10. The provisions of this act shall not become operative before January 1, 1952, and the provisions thereof do not affect any municipal, justice's, police or city court which continues to exist as presently organized or any judge, justice, officer or employee of such court, but such courts and judges, justices, officers and employees shall be governed until January 5, 1953, by the same laws and with the same force as if this act had not been enacted; and those laws are hereby expressly continued in force and effect, and the text thereof preserved, for such courts and judges, justices, officers and employees until January 5, 1953.

CHAPTER 1677

An act to provide for the regulation and licensing of interference or attempts to interfere by artificial means with natural condensation and precipitation of rain, snow, moisture or water in any form contained in the atmosphere; to pro-

vide for the enforcement of said act and penalties for the violation thereof.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The public interest, health, safety, welfare and necessity require that scientific experimentation in the field of artificial nucleation, and that scientific efforts to develop, increase and regulate natural precipitation be encouraged, and that means be provided for the regulation and control of interference by artificial means with natural precipitation of rain, snow, moisture or water in any form contained in the atmosphere, within the State of California, in order to develop, conserve and protect the natural water resources of this State and to safeguard life and property. Legislative declaration

SEC. 2. Unless the context otherwise requires, the following definitions shall govern the construction of this act: Definitions

(a) "Department" means the Department of Public Works acting through the State Engineer.

(b) "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, city and county, district, or other public agency.

(c) The singular number includes the plural and the plural, the singular.

(d) The masculine gender includes the feminine and the neuter.

(e) "Shall" is mandatory and "may" is permissive.

(f) The present tense includes past and future tenses, and the future, the present.

SEC. 3. No person, without first securing a license from the department, shall cause or attempt to cause condensation or precipitation of rain, snow, moisture or water in any form contained in the atmosphere, or shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, moisture or water in any form contained in the atmosphere. License required

SEC. 4. Any person desiring to do any of the acts specified in Section 3 of this act may file with the department an application in writing for a license. Each application shall be accompanied by a filing fee fixed by the department with the approval of the Department of Finance but not to exceed fifty dollars ($50) and shall be on a form to be supplied for such purpose by the department. Application for license

SEC. 5. Every application shall set forth all of the following: Same; Contents

(a) The name and post-office address of the applicant.

(b) The previous education, experience and qualifications of the applicant, or, if the applicant is other than an individual, the previous education, experience and qualifications of the per-

sons who will be in control of and charged with the operations of the applicant.

(c) A general description of the operations which the applicant intends to conduct and the method and type of equipment that the applicant proposes to use.

(d) Such other pertinent information as the department may require.

Issuance and renewal of license

SEC. 6. Upon the filing of the application upon a form supplied by the department and containing the information prescribed by this act and accompanied by the required filing fee the department shall issue a license to the applicant entitling the applicant to conduct the operations described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended. Such license may be renewed annually upon application to the department, accompanied by a renewal fee fixed by the department with the approval of the Department of Finance but not to exceed twenty-five dollars ($25), on or before the last day of January of the calendar year for which the license is renewed.

Notice of intention

SEC. 7. Prior to undertaking any operation authorized by the license the licensee shall file with the department and cause to be published a notice of intention. The licensee shall then confine his activities for that operation substantially within the time and area limits set forth in the notice of intention.

Same Contents

SEC. 8. The notice of intention shall set forth all of the following:

(a) The name and address of the licensee.

(b) The nature and object of the intended operation and the person or persons on whose behalf it is to be conducted.

(c) The area in which and the approximate time during which the operation will be conducted.

(d) The area which will be affected by the operation as near as the same may be determined in advance.

Same Publication

SEC. 9. The applicant shall cause the notice of intention to be published at least once a week for three consecutive weeks in a newspaper having a general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be caused to be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county publication shall be made in a newspaper having a general circulation within the county.

Proof of publication

SEC. 10. Proof of publication shall be filed by the licensee with the department within 15 days from the date of the last publication of the notice. Proof of publication shall be by copy of the notice as published attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing the notice.

SEC. 11. Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license showing the method employed, the type of equipment used, the times and places of operation of the equipment, the name and post-office address of each person participating or assisting in the operation other than the licensee and such other information as may be required by the department and shall report the same to the department immediately upon the completion of each operation. Each licensee shall further prepare and maintain an evaluation statement for each operation which shall include a report as to estimated precipitation, defining the gain or loss occurring from nucleation activities, together with supporting data therefor. This statement, together with such other pertinent information as the department may require, shall be sent to the department upon request by the department.

Record of operations

Evaluation statement

SEC. 12. Notwithstanding any provision of this act to the contrary, the department may grant a licensee permission to undertake an emergency nucleation project, without compliance by the licensee with the provisions of Sections 7 to 10, inclusive, of this act, if the same appears to the department to be necessary or desirable in aid of extinguishment of fires.

Emergency nucleation project

SEC. 13. Any license may be revoked or suspended if the department finds, after due notice to the licensee and a hearing thereon, that the licensee has failed or refused to comply with any of the provisions of this act. The proceedings herein referred to shall be conducted in accordance with the provisions of the Administrative Procedure Act, Chapter 5, Part 1, Division 3, Title 2 of the Government Code and the department shall have all the powers granted therein.

Revocation or suspension of license

SEC. 14. Any person who violates any provision of this act is guilty of a misdemeanor.

Penalty

CHAPTER 1678

An act to amend Section 5082.2 of the Business and Professions Code, relating to public accountants.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 5082.2 of the Business and Professions Code is amended to read:

5082.2. Notwithstanding the provisions of Section 5082, any person who met the requirements of that section, but who failed to register within the six months period prescribed therein because of lack of knowledge or lack of notice of the registration requirements, may register with the board upon filing an application prior to December 31, 1951, and signing a proper affidavit to be prescribed by the board.

Late registration

CHAPTER 1679

An act defining and regulating the practice of shorthand reporting; creating a State Board of Examiners of Shorthand Reporters in the Department of Professional and Vocational Standards, and providing for its duties and powers; providing for the examination and certification of shorthand reporters, with the designation "certified shorthand reporter"; creating the Shorthand Reporters' Fund and making an appropriation; and prescribing penalties for violations of this act.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Purpose

SECTION 1. This act is designed to encourage proficiency in the practice of shorthand reporting as a profession; to promote efficiency in court and general reporting, and to extend to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those engaged in it.

Board of Examiners of Shorthand Reporters

SEC. 2. Within 30 days after the effective date of this act the Governor shall appoint five persons to constitute a State Board of Examiners of Shorthand Reporters, two of whom shall be active members of the State Bar of California and three of whom shall be persons skilled in the art and practice of shorthand reporting and who have been actively engaged as professional shorthand reporters within the State of California for at least five years continuously previous to the passage of this act, and who shall serve without compensation; provided, however, members of board of examiners shall be allowed their necessary expenses connected with the performance of their duties as members of the board, not to exceed, however, three hundred dollars ($300) per member annually. The board is a part of the Department of Professional and Vocational Standards and all of the pertinent provisions of law relating to that department and the boards under its jurisdiction are applicable to the State Board of Examiners of Shorthand Reporters.

Term

SEC. 3. Members of the board shall be appointed for terms of three years (except as hereinafter provided) as follows:

In 1951 five members shall be appointed, two of whom shall hold office until December 31, 1952, and the terms of three of such members shall expire on December 31, 1953, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Thereafter, members shall, by the Governor, be appointed for three-year terms as vacancies occur by reason of the expiration of the term of office of a member theretofore appointed

Members of the board shall continue in office until their successors are appointed and qualify.

Reporter-members of said board shall be appointed from among the holders of certificates issued under this act.

Committees and employees

SEC. 4. The board shall be charged with the executive functions necessary for effectuating the purposes of this act. It may appoint such committees as it deems necessary or proper, and the board may appoint, prescribe the duties, and fix the salary, which in no event shall exceed two thousand dollars ($2,000) per annum, of an executive secretary, who may be employed on a part-time basis. The board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

Board Powers

SEC. 5. The board may aid in all matters pertaining to the advancement of the science of shorthand reporting, as herein defined, including but not by way of limitation, all matters that may advance the professional interests of certified shorthand reporters, and such matters as concern their relations with the public.

Organization, etc

SEC. 6. Organization, Quorum. Within 30 days after appointment and at each yearly meeting thereafter a chairman and treasurer shall be elected from the membership of the board. Three members shall constitute a quorum for the transaction of business. The board shall keep a complete record of all its proceedings and shall report annually to the Governor, on or before the first day of December, all certificates issued, renewed or revoked, together with a detailed statement of receipts and disbursements. The expenses of the members of the board and the expenses of the board that are necessary to carry out the provisions of this act shall be paid from the fees collected under Section 8; provided, that such expenses shall not exceed the amount so collected as fees.

Function

SEC. 7. The board shall determine the qualifications of persons applying for certificates under this act, make rules for the examination of applicants and the issuing of certificates herein provided for and shall grant certificates to such applicants as may, upon examination, be qualified in professional shorthand reporting and in such other subjects as the board may deem advisable.

Powers and duties

SEC. 8. The board shall have the following powers and duties in addition to those elsewhere in this act enumerated:

(1) To adopt a seal which shall be affixed to all certificates issued by the board.

(2) To suspend or revoke, for any cause hereinbelow specified, any certificate issued hereunder; provided, that such revocation or suspension receive the affirmative vote of at least four members of said board. Causes for suspending or revoking a certificate shall consist of one or more of the following:

(a) Conviction of a felony or of a misdemeanor involving moral turpitude.

(b) Fraud or misrepresentation resorted to in obtaining a certificate hereunder.

(c) Fraud, dishonesty, corruption, wilful violation of duty, gross incompetency in practice, unprofessional conduct.

(3) To charge and collect from all applicants for certificates hereunder the fees hereinafter provided.

(4) To require the annual renewal of all such certificates and to collect therefor a renewal fee of twenty dollars ($20) or such lesser amount as may be fixed by the board.

(5) To issue subpenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of said board.

Procedure

SEC. 8. (6) The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the board shall have all the powers granted therein.

Certificate required

SEC. 9. From and after the effective date of this act no person shall practice the art of shorthand reporting as defined in this act, unless such person be the holder of a certificate in full force and effect from the board; provided, however, that this provision shall not apply to salaried, full time employees of the district attorney or any department or agency of the State of California employed as hearing reporters, and that nothing in this act shall be construed to prohibit the employment of any person not holding a certificate until a certified shorthand reporter is available.

Shorthand reporting

SEC. 10. The practice of shorthand reporting is defined as the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceedings before any grand jury, referee or court commissioner.

"Certified shorthand reporter"

SEC. 11. Any person holding a valid certificate as a shorthand reporter, as herein provided, shall be styled and known as a "certified shorthand reporter." No other person shall assume or use the title "certified shorthand reporter," or the abbreviation "C.S R.", or any words, letters or figures to indicate that the person using the same is a certified shorthand reporter.

Qualifications

SEC. 12. Any citizen of the United States over the age of 21 years, of good moral character, being a graduate of high school, and a bona fide resident of this State for at least six months prior to the date of his application, and continuing to and including the date of his admission, who has satisfactorily passed an examination under such rules and regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter.

Examinations

SEC. 13. Examinations shall be held at least semi-annually, and at such times and places as the board may designate.

Application and fee

SEC. 14. Each applicant for a certificate hereunder shall file an application with the secretary of the board at least 10 days before the date fixed for examination, and shall pay to said secretary at the time of filing his application the sum of twenty-five dollars ($25). No certificate shall be issued until the applicant shall have passed the examination prescribed by the board; provided, however, that any person who applies for a certificate hereunder on or before six months after the effective

date of this act who, at the time of filing his application has been a practicing shorthand reporter in the State of California for three years, or has prior thereto successfully passed the examination provided for in Section 270 of the Code of Civil Procedure, shall file with his application proof of said facts, and the board shall accept said proof and evidence in lieu of an examination and shall grant said applicant a certificate. In no case shall the applicant's fee be refunded, but the applicant may be re-examined once within 18 months from the date of his application without the payment of an additional fee.

Failure, etc., to pay fee

SEC. 15. The failure, neglect or refusal of any regularly certified shorthand reporter registered under this act to pay in advance said annual fee of twenty dollars ($20) or such other reasonable fee as may be fixed by the board as necessary to defray the expense of administering the provision of this act shall result in the suspension of the reporter's right to the benefits under this act, which suspension shall not be terminated until all delinquent fees have been paid.

Disposition of fees

SEC. 15.5. All fees and other revenues received by the board shall be reported promptly to the State Controller and shall be deposited with the State Treasurer to be placed in the Shorthand Reporters' Fund, which fund is hereby created and is appropriated to carry out the provisions of this act.

Penalty

SEC. 16. Any person who shall violate any of the provisions of Section 9 of this act shall be deemed guilty of a misdemeanor, and shall for such offense, of which he is convicted, be punished by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for not longer than six months, or both.

Constitutionality

SEC. 17. If for any reason any section, subsection, sentence, clause or phrase of this act be held unconstitutional, such decision shall not affect the validity of the remaining portions of this act; and the Legislature hereby declares that it would have passed this act and each and every other section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases of this act may be declared unconstitutional or may be invalid.

CHAPTER 1680

An act to amend Sections 20492, 21024, 21351.1, 21353, and 21331 of, to repeal Sections 21360 of, and to add Sections 21201.5 and 21360 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 20492 of the Government Code is amended to read:

Members up in system

20492. The contract shall include in this system all firemen, policemen, county peace officers, and other employees of the contracting agency, except as exclusions in addition to the exclusions applicable to state employees may be agreed to by the agency and the board. Such exclusions shall be based on groups of employees such as by departments, duties or age, and not on individual employees, and such exclusions of groups may be made by amendments to contracts, with respect to future entrants into such a group. The board may disapprove the exclusion of any group, if in its opinion the exclusion adversely affects the interest of this system. Membership in this system is compulsory for all employees included under a contract.

SEC. 2. Section 21024 of said code is amended to read:

Application Time of making

21024. The application shall be made only (a) while the member is in state service, or (b) while the member, who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, is absent on military service, or (c) within four months after the discontinuance of the state service of the member, or (d) while he is physically or mentally incapacitated to perform his duties from the date of discontinuance of state service to the time of application or motion. On receipt of an application the board shall, or of its own motion it may, order a medical examination of a member who is otherwise eligible to retire for disability to determine whether he is incapacitated for the performance of duty.

SEC. 3. Section 21251.1 of said code is amended to read:

Current service pension

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the State, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Computation fractions

Age of retirement	Fraction	
	Men	Women
55	.7381968	.7606902
55¼	.7492146	.7708974
55½	.7602324	.7811046
55¾	.7712502	.7913118
56	.7822692	.8015202
56¼	.7942086	.8125086
56½	.8061480	.8234970
56¾	.8180874	.8344854

Age of retirement	Fraction	
	Men	Women
57	.8300286	.8454756
57¼	.8429850	.8573508
57½	.8559414	.8692260
57¾	.8688978	.8811012
58	.8818560	.8929770
58¼	.8959632	.9058194
58½	.9100704	.9186618
58¾	.9241776	.9315042
59	.9382848	.9443484
59¼	.9537132	.9582612
59½	.9691416	.9721740
59¾	.9845700	.9860868
60	1.0000000	1.0000000
60¼	1.0136196	1.0132404
60½	1.0272390	1.0264806
60¾	1.0408584	1.0397208
61	1.0544790	1.0529628
61¼	1.0686912	1.0668486
61½	1.0829034	1.0807344
61¾	1.0971156	1.0946202
62	1.1113284	1.1085072
62¼	1.1263086	1.1232018
62½	1.1412888	1.1378964
62¾	1.1562690	1.1525910
63	1.1712492	1.1672862
63¼	1.1870412	1.1828850
63½	1.2028332	1.1984838
63¾	1.2186252	1.2140826
64	1.2344172	1.2296820
64¼	1.2511902	1.2462540
64½	1.2679632	1.2628260
64¾	1.2847362	1.2793980
65 and over	1.3015110	1.2959700

Basis of fractions

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1951, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

When inapplicable

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 4. Section 21253 of said code is amended to read:

Prior service pension

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provision of this section, is an annual pension derived from the contributions of the State, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

Computation fractions

Age of retirement	Fraction	
	Men	Women
55	.7017684	.7395834
55¼	.7139652	.7505238
55½	.7261620	.7614642
55¾	.7383588	.7724046
56	.7505568	.7833456
56¼	.7639476	.7952004
56½	.7773384	.8070552
56¾	.7907292	.8189100
57	.8041200	.8307660
57¼	.8188530	.8436690
57½	.8335860	.8565720
57¾	.8483190	.8694750
58	.8630520	.8823780
58¼	.8792988	.8964336
58½	.8955456	.9104892
58¾	.9117924	.9245448
59	.9280404	.9386004
59¼	.9460302	.9539502
59½	.9640200	.9693000
59¾	.9820098	.9846498
60	1.0000000	1.0000000
60¼	1 0138218	1 0134426
60½	1.0276434	1.0268850
60¾	1.0414650	1.0403274
61	1.0552878	1.0537710
61¼	1.0700946	1.0682496
61½	1.0849014	1.0827282
61¾	1.0997082	1.0972068
62	1.1145168	1.1116872
62¼	1.1304750	1.1273562
62½	1 1464332	1.1430252
62¾	1.1623914	1.1586942
63	1.1783508	1.1743644
63¼	1.1955060	1.1913198
63½	1 2126612	1.2082752

Age of retirement	Fraction	
	Men	Women
63¾	1.2298164	1.2252306
64	1.2469722	1.2421878
64¼	1.2655020	1.2605082
64½	1.2840318	1.2788286
64¾	1.3025616	1.2971490
65 and over	1.3210932	1.3154694

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1951, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members. Basis of fractions

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered. Computation

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. When inapplicable

SEC. 5. Section 21331 of said code is amended to read:

21331. Such election, revocation, or change of election shall be made prior to the making of the first payment on account of any retirement allowance. If the member dies after the effective date of retirement and, with respect to Option 1, after his retirement has been approved, and within 30 days from the date upon which his election or changed election is received at the office of this system in Sacramento, his election is of no effect, and his death shall be considered as that of a member before retirement unless the board, upon its determination that the election would have been received at the office of this system in Sacramento more than 30 days prior to the death but for circumstances not within the control of the member and not based upon any consideration of health, family relationship, or other consideration personal to the member, accepts the election. Time for election, etc

SEC. 6. Section 21360 of said code is repealed. Repeal

SEC. 7. Section 21360 is added to said code, to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) while in state service, before the effective date of his retirement, or with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who Liability for death benefits

has not elected optional settlement 2, 3 or 4 under Article 4 of Chapter 9, after such effective date and before his retirement is approved, or (b) while absent on military service and who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, or (c) within four months after discontinuance of state service, or (d) while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of state service. Upon the death of a member while in state service, before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2, 3 or 4 under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate.

Reduction of payments

SEC. 8. Section 21201.5 is added to said code, to read:

21201.5. If a person other than the surviving spouse of a deceased member of this system is entitled under the community property laws of this State to a portion of the benefit provided in this chapter for the said surviving spouse, any monthly payments provided in this chapter in lieu of or as an actuarial equivalent of the benefit for said surviving spouse, shall be reduced by an amount which bears the same ratio to the monthly amount otherwise payable, as the portion to which such other person is entitled under said community property laws bears to the actuarial equivalent of the monthly amounts otherwise payable.

CHAPTER 1681

An act to amend Sections 25351 and 26150 of the Government Code, and Sections 22173, 22174, and 22176 of the Education Code, relating to county free libraries.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 25351 of the Government Code is amended to read:

Power to construct, etc., buildings

25351. The board may construct, lease, build, rebuild, furnish, refurnish, or repair buildings for a hospital, almshouse, courthouse, jail, historical museum, aquarium, art gallery, art institute, exposition building for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, and such other public buildings as are necessary to carry out the work of the county government.

SEC. 2. Section 26150 of said code is amended to read:

26150. County free libraries may be constructed, leased, built, rebuilt, furnished, refurnished, or repaired pursuant to the Education Code, or pursuant to this part; provided that, in counties wherein a union high school library district maintaining a district free public library was established prior to June 30, 1912, county free libraries shall be constructed, leased, built, rebuilt, furnished, refurnished or repaired pursuant to Section 22174 of the Education Code until such time as the union high school library district elects to become a part of the county free library system. County free libraries

SEC. 3. Section 22173 of the Education Code is amended to read:

22173. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed one mill ($0.001) on the dollar ($1) of assessed valuation upon all property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries, and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of purchasing property for, establishing, and maintaining the county free library. Tax to maintain library

SEC. 4. Section 22174 of said code is amended to read:

22174. In counties wherein a union high school library district, maintaining a district free public library was established prior to June 30, 1912, and such district has not elected to become a part of the county free library system, the board of supervisors may levy a tax in such amount as may be necessary upon all the property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of acquiring sites for, and constructing, leasing, building, rebuilding, furnishing, refurnishing, or repairing county free library buildings. In all other counties, county bonds may be issued, in the manner prescribed in Article 1, Chapter 6, Division 3, Title 3 of the Government Code, for the erection and equipment of county free library buildings and the purchase of land therefor. Tax to acquire library

SEC. 5. Section 22176 of said code is amended to read:

22176. The title to all property belonging to the county free library is vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the taxes provided in Sections 22173 and 22174. All funds of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer. They shall constitute a separate fund, called the county free library fund, and shall not be used for any purposes except those of the county free library. Title in county

CHAPTER 1682

An act to amend Section 447 of the Education Code, relating to county school superintendents' salaries in counties of the forty-seventh class.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 447 of the Education Code is amended to read:

Inyo County superintendent of schools Salary

447. The annual salary of the county superintendent of schools of a county of the forty-seventh class is six thousand dollars ($6,000), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

CHAPTER 1683

An act to amend Section 4660 of the Labor Code, relating to the percentages of permanent disability, including a schedule for the determination of such percentages.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 4660 of the Labor Code is amended to read:

Determining percentage of permanent disability

4660 (a) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his age at the time of such injury, consideration being given to the diminished ability of such injured employee to compete in an open labor market.

Schedule

(b) The commission may prepare, adopt, and from time to time amend, a schedule for the determination of the percentage of permanent disabilities in accordance with this section. Such schedule shall be available for public inspection, and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by the schedule.

Same

(c) Any such schedule and any amendment thereto or revision thereof shall apply prospectively and shall apply to and govern only those permanent disabilities which result from compensable injuries received or occurring on and after the effective date of the adoption of such schedule, amendment or revision, as the fact may be.

CHAPTER 1684

An act to add Section 31a to an act entitled "An act prescribing the regulation, government, procedure and jurisdiction of the municipal and justice courts, and providing for the election and appointment of the judges, officers and attaches of such courts, their terms of office, qualifications and compensation," approved July 27, 1949, relating to traveling expenses of assigned judges.

Stats. 1949, p. 2681

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 31a is hereby added to the act cited in the title hereof, to read as follows:

31a. In addition to the salary provided by law, any judge of a municipal or justice court assigned by the judicial council to a municipal or justice court other than that in which he regularly sits, shall be allowed traveling expenses of seven cents ($0.07) per mile for each mile actually and necessarily traveled in the discharge of such assignment. Such mileage shall be measured by the shortest practicable route from the chambers of the court in which such judge regularly sits to those of the court in which he sits by assignment, or from his residence to the court to which he is assigned, whichever is the least.

Traveling expenses

CHAPTER 1685

An act to repeal Sections 3223, 4711, 4712, 4713, 4726, 4727, 4729, 5008, 8821.1, and 13043 of the Education Code; to amend Sections 1012, 1597.2, 1941, 4667, 4728, 5942, 8103, and 16813 of said code; to amend Section 672 of the Welfare and Institutions Code; and to repeal an act entitled "An act providing for the acceptance, receipt and disposition of property by the State Board of Education, and making an appropriation, declaring the urgency thereof, to take effect immediately," approved June 25, 1945 (Chapter 1046, Statutes of 1945), all relating to the Public School System.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Sections 3223, 4711, 4712, 4713, 4726, 4727, 4729, 5008, 8821.1, and 13043 of the Education Code are repealed.

Repeal

SEC. 2. Section 1012 of said code is amended to read:

1012. In a school district which during the preceding fiscal year had an average daily attendance of 70 or less, a member of the governing board may receive a reasonable compensation

Repair of schoolhouse, etc., by member of board

from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies. In all such cases the requisition drawn in his favor in payment of services or supplies shall be signed by the other members of the governing board and shall be subject to approval by the county superintendent of schools.

SEC. 3. Section 1597.2 of said code is amended to read:

Election for assuming indebtedness

1597.2. The election provided for in Section 1597.1 shall be called by the governing board of the district having the outstanding bonded indebtedness, held and conducted in as nearly the same manner as are elections under Chapter 17 of Division 3 of this code, except that the ballots used at such election shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District __ Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District __ No." The name of the district having the outstanding bonded indebtedness shall be inserted in the blank spaces.

SEC. 4. Section 1941 of said code is amended to read:

Causes of vacancy

1941. Vacancies in the office of school trustees are caused by the happening of any of the events specified in Section 1770 of the Government Code, or by failure to elect.

SEC. 5. Section 4667 of said code is amended to read:

Bonded indebtedness

4667. The bonded indebtedness of any elementary, high school, or junior college district incurred prior to the inclusion of all or any part of the district in a unified school district shall continue to be an obligation of the territory within the elementary, high school, or junior college district as it existed prior to the inclusion of all or any part thereof in a unified school district.

SEC. 6. Section 4728 of said code is amended to read:

Unified districts

4728. The governing board of any unified school district may enter into a contract with the county superintendent of schools having jurisdiction over the district for the supervision of instruction and for the preparation and coordination of courses of study for the schools of the district. The county superintendent of schools shall transfer to the county school service fund from the general fund of the district, such sums as may be agreed upon by the governing board of the district and the county superintendent of schools.

SEC. 7. Section 5942 of the Education Code is amended to read:

Loans to school district from service fund

5942. The county superintendent of schools, with the approval of the county board of education, may make an apportionment to a school district from the county school service fund conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the district and shall, during the next succeeding fiscal year, transfer the amount of such apportionment from the general fund of the district to the county school service fund.

SEC. 8. Section 8103 of said code is amended to read:

8103. Except where a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or where the school has been closed on account of fire, flood, or other public disaster, the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year, all of the day high schools established by it for an equal length of time during the school year and all of the day junior colleges established by it for an equal length of time during the school year. Equality of term

SEC. 9. Section 16813 of said code is amended to read:

16813. Any teacher employed by a district at the time Chapter 885 of the Statutes of 1921 became effective may, without the special certification required by this article, be appointed to act as a district supervisor of attendance of the district and may be paid for the additional service. Teacher as district supervisor of attendance

SEC. 10. Section 672 of the Welfare and Institutions Code is amended to read:

672. The board of supervisors of the county shall agree with the governing board of each of the respective districts in which the juvenile hall is located to transfer from the general fund of the county to the general fund of such districts such sums in excess of the amount of money received from the State by each district as are necessary to maintain its school in the juvenile hall. Transfer of funds

SEC. 11. An act entitled "An act providing for the acceptance, receipt and disposition of property by the State Board of Education, and making an appropriation, declaring the urgency thereof, to take effect immediately," approved June 25, 1945 (Statutes 1945, Chapter 1046) is repealed. Repeal

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CHAPTER 1686

An act to add Section 29.5 to the Community Redevelopment Act and add Section 33280 to the Health and Safety Code, relating to community redevelopment. Stats 1945, p 2478

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 29.5 is added to the Community Redevelopment Act, to read:

Sec. 29.5. An agency may, in any year during which it owns property in a redevelopment project, pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes. Payment in lieu of taxes

SEC. 2. Section 33280 is added to the Health and Safety Code, to read:

Same

33280. An agency may, in any year during which it owns property in a redevelopment project, pay to any city, county, city and county, district or other public corporation which would have levied a tax upon such property had it not been exempt, an amount of money in lieu of taxes.

Effect Stats. 1951 Ch. 710

SEC. 3. Section 2 of this act becomes operative only if Division 24 of the Health and Safety Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 24 takes effect, at which time Section 29.5 added to the Community Redevelopment Act by this act is repealed.

CHAPTER 1687

An act to repeal Section 3440 of, and to add Sections 3440 and 3440.1 to, and to amend Section 3440.5 of, the Civil Code, relating to transfers of particular personal property.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3440 of the Civil Code is repealed.

SEC. 2. Section 3440 is added to the said code, to read:

Transfer without delivery, etc.

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

Exceptions

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Mortgages allowed by law, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and certified and verified in the same form as provided for chattel mortgages, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee

acting under an assignment for the benefit of creditors generally, or to any mortgage or chattel mortgage made for the benefit of creditors generally.

(f) Property exempt from execution.

SEC. 3. Section 3440.1 is added to the said code, to read:

Bulk sales

3440.1. The sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof, other than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment, or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, is conclusively presumed fraudulent and void as against the existing creditors of the vendor, transferor, assignor, or mortgagor, unless at least 10 days before the consummation of the sale, transfer, assignment, or mortgage, the vendor, transferor, assignor, or mortgagor, or the intended vendee, transferee, assignee, or mortgagee does all of the following:

Notice Recordation

(a) Records in the office of the county recorder in the county or counties in which the stock in trade, fixtures, or equipment are situated, a notice of the intended sale, transfer, assignment, or mortgage, which states the name and address of the intended vendor, transferor, assignor, or mortgagor and the name and address of the intended vendee, transferee, assignee, or mortgagee. The notice shall contain a general statement of the character of the merchandise or property intended to be sold, assigned, transferred, or mortgaged, and show the date and place where the purchase price or consideration is to be paid.

Publication

(b) Publishes at least once a copy of the notice in a newspaper of general circulation published in the judicial district in which the stock in trade, fixtures, or equipment are situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended sale, transfer, assignment, or mortgage.

Auction sale

If the intended sale is to be at public auction, the notice required to be recorded and published shall state that fact, and the time, terms, and place of auction, the names and addresses of the vendor and auctioneer and a general statement of the character of the merchandise or property intended to be sold.

The sale shall not occur within 10 days from the recordation of the notice.

Any auctioneer selling the stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, is personally liable for all damages incurred by any creditor of the merchant if the notice is not recorded and published as required by this section.

Exceptions

The provisions of this section shall not apply or extend to:

(a) Any sale, transfer, or assignment of a stock in trade or to any sale, transfer, assignment or mortgage of the fixtures,

or store equipment, of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law.

(b) Any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally.

(c) Any sale, transfer, assignment or mortgage of any property exempt from execution.

(d) Any sale, transfer, or assignment of wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the sales, transfers, or assignments are made in writing and certified and verified in the same form as provided for chattel mortgages, and if the sales, transfers, or assignments are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

SEC. 4. Section 3440.5 of the said code is amended to read:

Law inapplicable

3440.5. Sections 3440 and 3440.1 of this code shall not apply to goods in a warehouse where a warehouse receipt has been issued therefor by a warehouseman as defined in the Warehouse Receipts Act, and a copy of such receipt is kept at the principal place of business of the warehouseman and at the warehouse in which said goods are stored. Such copy shall be open to inspection upon written order of the owner or lawful holder of such receipt.

Stats. 1909, p. 437

CHAPTER 1688

An act to amend Section 20383 of the Education Code, and to add Section 20383.5 to said code, relating to leaves of absence of state college faculty members.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 20383 of the Education Code is amended to read:

Services during leave of absence

20383. Except as otherwise provided in Section 20383.5 every member of the faculty of a state college granted a leave of absence under this article may be required to perform such services during the leave of absence as the State Director of Ed-

ucation, with the approval of the State Director of Finance, and the faculty member may agree upon in writing and the faculty member shall receive as compensation for such services the difference between his salary and the salary of the person employed to fill the position held by him prior to the granting of the leave of absence.

SEC. 2. Section 20383.5 is added to said code, to read:

Leaves of absence

20383.5. A member of the faculty of a state college having a rank not lower than that of assistant professor Class 3, or the equivalent thereof in the case of a state college not ranking the members of its faculty on a professorial scale, and eligible for a leave of absence under this article, may be granted a leave of absence for six months with full pay or a leave of absence for one year with one-half pay for the purpose of such study as the Director of Education shall approve.

No leave of absence shall be granted to any faculty member under this section who has not been employed full-time for at least six consecutive years in a state college, and not more than one such leave of absence shall be granted in each six-year period. Not more than 5 percent of the eligible faculty of any state college as defined in this section shall be granted leaves of absence in any one year. The computation of the total number eligible for leave shall be made on July 1st each fiscal year.

CHAPTER 1689

An act to add Chapter 6.5 to Division 2, comprising Sections 2840 to 2895 to the Business and Professions Code, relating to the practice of vocational nursing.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 6.5. VOCATIONAL NURSING

Article 1. Administration

Short title

2840. This chapter of the Business and Professions Code constitutes the chapter on vocational nursing and may be cited as the Vocational Nursing Practice Act.

Board of Vocational Nurse Examiners

2841. There is hereby created in the Department of Professional and Vocational Standards, a Board of Vocational Nurse Examiners of the State of California, consisting of seven members.

Within the meaning of this chapter, board, or the board, refers to the Board of Vocational Nurse Examiners of the State of California.

Qualifications of board membership

2842. Each member of the board shall be a citizen of the United States, and a resident of the State of California. Further qualifications for membership on the board shall be as follows: one member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code; one member shall be a hospital administrator; one member shall be a duly licensed public health nurse; one member shall be a public school administrator of this State; two members first appointed on the board shall be practical nurses who are qualified to meet the requirements for a license under this chapter, and thereafter shall be vocational nurses licensed under this chapter.

No person may serve as a member of the board for more than two consecutive terms.

Term

2843. Members of the board shall be appointed by the Governor for a term of four years. The terms of the members of the board first appointed under this chapter shall expire as follows: the two practical nurses who are qualified to meet the requirements for a license under this chapter, on January 15, 1952; two on January 15, 1953; two on January 15, 1954; two on January 15, 1955. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

Filling vacancies

2844. The Governor shall exercise his right of appointment within 60 days from the date a vacancy occurs or a member's term expires, and when not so exercised the board by a majority vote of its remaining members may appoint a person to fill the vacancy.

Removal of member

2845. The Governor has the power to remove any member of the board from office for neglect of any duty required by law, or for incompetency, or unprofessional or dishonorable conduct.

Election of officers

2846. The board at its first meeting after appointment, and annually thereafter at its first meeting in each year, shall elect from its members a president, vice president, and such other officers as it may deem necessary. The officers of the board shall hold their respective positions during its pleasure.

Executive secretary

2847. The board shall select an executive secretary who shall perform such duties as are delegated by the board and who shall be responsible to it for the accomplishment of such duties.

The person selected to be the executive secretary of the board shall be either a duly licensed vocational nurse under the provisions of this chapter or a duly licensed professional nurse as defined in Section 2725 of this code. The executive secretary shall not be a member of the board.

With the approval of the Director of Finance, the board shall fix the salary of the executive secretary.

The executive secretary shall be entitled to traveling and other necessary expenses in the performance of his duties. He

shall make a statement, certified before some duly authorized person, that the expenses have been actually incurred.

Meetings

2848. The board for the purpose of transacting its business shall meet at least once every three months, at times and places it designates by resolution.

Special meetings

2849. Special meetings may be held at such times as the board may elect, or on the call of the president of the board, or of not less than five members thereof.

A written notice of the time, place and object of any special meeting shall be mailed by the executive secretary to all members of the board who are not parties to the call, at least 15 days before the day of the meeting.

Time and place

2850. Meetings may be held at any time and place by the written consent of all members of the board

Quorum

2851. Five members of the board constitute a quorum for the transaction of business at any meeting.

Record of proceedings

2852. The board shall keep a record of all its proceedings, including a register of all applicants for licenses under this chapter and the action of the board upon each application.

Office and suboffices

2853. The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to them. Legal proceedings against the board may be instituted in any county in which any of the three cities above mentioned is located.

Prosecution of violations

2854. The board shall prosecute all persons guilty of violating the provisions of this chapter.

Investigators, etc

It may employ inspectors, special agents, investigators and such clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. The board may fix the compensation to be paid for such services and may incur such other expenses as it may deem necessary.

Rules and regulations

The board may from time to time adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter.

Compensation

2855. Each member of the board shall be paid the sum of ten dollars ($10) per diem for each and every day actually spent in the discharge of official duties, and shall be further entitled to his actual travel and other necessary expenses incurred in the performance of his duties.

Each member of the board shall make a statement, certified before some duly authorized person, that the service has been actually performed and the expenses actually incurred.

Annual report

2856. On or before the first day of January of each year the board shall transmit to the Governor a full and true report of all its proceedings, together with a report of all its receipts and disbursements.

License

2857. The board shall issue a license under its seal and signed by the executive secretary. Such license shall be designated as Licensed Vocational Nurse License.

Article 2. Scope of Regulation

Vocational nursing

2859. The practice of vocational nursing within the meaning of this chapter is the performance of services requiring those technical, manual skills acquired by means of a course in an accredited school of vocational nursing, or its equivalent, practiced under the direction of a licensed physician, or registered professional nurse, as defined in Section 2725 of the Business and Professions Code.

Vocational nurse

A vocational nurse, within the meaning of this chapter, is a person who has met all the legal requirements for a license as a vocational nurse in this State and who for compensation or personal profit engages in vocational nursing as the same is hereinabove defined.

Limitation of authority

2860. This chapter confers no authority to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of any provision of law.

Unlicensed nurse

2861. This chapter does not prohibit the performance of nursing services by any person not licensed under this chapter; provided, that such person shall not in any way assume to practice as a licensed vocational nurse.

Practice before licensing

2862. Vocational nursing services may be rendered by a student enrolled in an accredited school of vocational nursing when these services are incidental to his course of study, and may be rendered by a graduate of such school working under its supervision pending the results of the first licensing examination scheduled by the board following his graduation, if this examination is taken by him.

Religious activities

2863. This chapter does not prohibit vocational nursing or the care of the sick, with or without compensation or personal profit, when done by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in the practice of vocational nursing.

Licensed vocational nurse

2864. Every licensee under this chapter may be known as a licensed vocational nurse and may place the letters "L. V. N." after his name.

Qualifications for license

2866. An applicant for a licensed vocational nurse license shall comply with each of the following:

(a) Be at least 17 years of age.

(b) Be a citizen of the United States or have indicated intention to become a citizen of the United States.

(c) Have successfully completed at least an approved course of study through the tenth grade or the equivalent thereof as specified by the board.

(d) Have successfully completed the prescribed course of study in an accredited school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an accredited school of vocational nursing in this State.

(e) Have committed no act which, if committed by a licensee, would be a ground for disciplinary action.

Application and fee

2867. An applicant for a license authorizing him to practice vocational nursing in this State under this chapter, upon the filing of his application shall pay the fee required by this chapter.

Examinations

2868. The board shall hold not less than two examinations each year for applicants desirous of practicing vocational nursing in this State, at such times and places as the board may determine.

Notice of examination

2869. Not less than two months prior to the date of each examination, the board shall cause a notice thereof to be published in two or more newspapers of general circulation, and one nursing journal, all published within the State of California and selected by the board.

Examination procedure

2870. Examinations shall be written, but in the discretion of the board may be supplemented by an oral or practical examination in such subjects as the board determines. All examinations shall be conducted by such persons and in such manner and under such rules and regulations as the board may prescribe.

The board shall finally pass or reject all applicants. Its actions shall be final and conclusive and not subject to review by any court or other authority.

Re-examination

2871. Any applicant who fails to pass the examination by the board may take another examination without payment of an additional fee, if not less than six nor more than 12 months have elapsed from the date he took the first examination.

Upon the failure of an applicant to pass the second examination the board may require him to complete additional courses or study designated by it. Before taking any subsequent examination he shall present to the board satisfactory evidence of having completed such additional courses or study, and shall pay an additional fee equal to the fee prescribed by this chapter for the filing of an original application.

License

2872. The board shall issue a license to each applicant who passes the examination. The form of the license shall be determined by the board.

Licensing provision

2873. Any person possessing education and/or experience equivalent to that acquired in an accredited school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that he successfully demonstrates to the board that he possesses the necessary qualifications, and successfully passes such examinations or tests as may from time to time be required by the board.

License without examination

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces for a period of not less than 12 months, has completed the basic course of instruction required by his particular branch of the armed forces, and has been honorably discharged therefrom, shall be granted a license without examination or any test, upon proof that he possesses the necessary qualifications of this section, as set forth in his service and discharge records.

Law inapplicable

2874. Nothing in this chapter shall apply to any nurse employed in the public health service or by any agency, bureau or division of the Federal Government while in the discharge of his official duties, nor to any nurse employed by the United States Government or any bureau, division or agency thereof, in any hospital wholly maintained and supported by it in the State of California while in the discharge of his duties in such institution.

Article 3. Disciplinary Proceedings

Discipline Proceedings

2875. Every licensee may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Method

2876. The board shall discipline the holder of any license, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice vocational nursing for a period not exceeding one year.

(d) Revoking his license.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

Effect of suspension

2877. If the holder of a license is suspended, he shall not be entitled to practice vocational nursing during the term of suspension.

Upon the expiration of the term of suspension, he shall be reinstated by the board and shall be entitled to resume his practice of vocational nursing unless it is established to the satisfaction of the board that he has practiced vocational nursing in this State during the term of suspension. In this event, the board shall revoke his license.

Causes for disciplinary action

2878. The board shall take disciplinary action against a licensed vocational nurse or an applicant for a license for:

(a) Unprofessional conduct;

(b) Procuring his certificate by fraud, misrepresentation, or mistake;

(c) Procuring, or aiding, or abetting, or attempting, or agreeing, or offering to procure or assist at a criminal abortion;

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter;

(e) Making or giving any false statement or information in connection with the application for issuance of a license;

(f) Conviction of a felony or of any offense involving moral turpitude, in which event the record of the conviction shall be conclusive evidence thereof;

(g) Insanity, in which event the record of the adjudication, order or commitment of insanity shall be conclusive evidence thereof;

(h) Impersonating any applicant or acting as proxy for an applicant in any examination required under this chapter for the issuance of a license;

(i) Impersonating another licensed practitioner, or permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted;

(j) Habitual intemperance or addiction to the excessive use of cocaine, opium, marijuana, morphine, codeine, alpha eucaine, beta eucaine, or chloral hydrates, or any of the salts, derivatives or compounds of the foregoing substances;

(k) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a licensed physician or not, in the performance of or arranging for a violation of any of the provisions of Article 13, Chapter 5, Division 2 of this code.

Article 4. Vocational Nursing Schools

Accredited schools list

2880. The board shall prepare and maintain a list of accredited schools of vocational nursing in this State whose graduates, if they have the other necessary qualifications provided in this chapter, shall be eligible to apply for a license to practice vocational nursing in this State.

Accredited school

2881. An accredited school of vocational nursing is one which has been approved by the Board of Vocational Nurse Examiners, gives the course of instruction in vocational nursing approved by the Board of Vocational Nurse Examiners, whether the same be established by the State Board of Education, other educational institutions, or other public or private agencies or institutions, covering twelve months, and is affiliated or conducted in connection with one or more hospitals.

Same
Course of instruction

2882. The course of instruction of an accredited school of vocational nursing shall consist of not less than the required number of hours of instruction in such subjects as the board may from time to time determine, together with the required number of hours in the care of medical, surgical, obstetrical patients, sick children and such other clinical experience as from time to time may be determined by the board.

Within four months after appointment, the board shall establish and determine the required courses of instruction and the required number of hours of instruction for an accredited school of vocational nursing.

Inspection of schools

2883. It shall be the duty of the board, through its executive secretary, to inspect all schools of vocational nursing in this State at such times as the board shall deem necessary. Written reports of the executive secretary's visits shall be made to the board, which shall thereupon approve as accredited such schools of nursing as meet the requirements provided by the board.

Upon receiving the report of the executive secretary, if the board determines that any accredited school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall

be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the accredited list and notice thereof in writing given to it.

Religious training

2884. None of the provisions of this chapter shall be applicable to any school or schools conducted by any well recognized church or denomination for the purpose of training the adherents of such church or denomination in the care of the sick in accordance with its religious tenets.

Article 5. Penal Provisions

Unlawful acts

2885. It is unlawful for any person or persons not licensed as provided in this chapter to impersonate in any manner or pretend to be a licensed vocational nurse, or to use the title "Licensed Vocational Nurse," the letters "L. V. N.," or any other name, word or symbol in connection with or following his name so as to lead another or others to believe that he is a licensed vocational nurse.

Same

2886. It is unlawful for a person to wilfully make any false representation or to impersonate any other person or permit or aid any person in any manner to impersonate him in connection with any examination or application for a license, or request to be examined or licensed.

Penalty

2887. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and upon a conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), or by both such fine and imprisonment.

Article 6. Revenue

Vocational Nurse Examiners Fund

2890. The Vocational Nurse Examiners Fund is hereby created in the State Treasury.

Renewal fe

2892. Prior to January 1st of each year, each licensed nurse shall apply for a renewal of his license and shall pay the renewal fee required by this chapter, whereupon the board shall renew his license.

Effect of nonrenewal

Every license not renewed will expire on the first day of March of each year, but may thereafter be renewed upon the payment of the renewal fee and such proof of the applicant's qualification to be licensed as may be required by the board.

Statement of money collected

2893. At least once in every calendar month, the board shall furnish the State Controller a detailed statement of all moneys collected by the board under the provisions of this chapter or from any other source, and, at the same time, shall pay the amount thereof to the State Treasurer. On order of the State Controller, the amount so paid shall be deposited in the State Treasury to the credit of the Vocational Nurse Examiners Fund.

2894. All money in the Vocational Nurse Examiners Fund is hereby continuously appropriated to the Board of Vocational Nurse Examiners, without regard to fiscal years, for expenditure in carrying out the provisions of this chapter, including the promotion of nursing education in this State, and for the refund, in accordance with law, of license fees or other moneys paid into the Vocational Nurse Examiners Fund under the provisions of this chapter. Appropriation Board of Vocational Nurse Examiners

Claims against the Vocational Nurse Examiners Fund shall be audited by the State Controller, and shall be paid by the State Treasurer upon warrants drawn by the State Controller.

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule: Fees

(a) The fee to be paid upon the filing of an application by any person who is a graduate of an accredited school of nursing or accredited school of vocational nursing in the State of California, is five dollars ($5).

(b) The fee to be paid upon the filing of an application by any other person is ten dollars ($10).

(c) The annual fee to be paid upon the filing of an application for renewal is one dollar ($1). No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1690

An act to amend Sections 38691, 38693, 38694, 38695, 38696, 38697, 38699, 38701, 38702, 38704, 38705, and 38707, and to repeal Section 38698, of the Government Code, relating to zoning.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 38691 of the Government Code is amended to read:

38691. Within any district the city legislative body may allow or prohibit the construction, alteration, or maintenance of certain buildings or the carrying on of certain trades or callings and may limit the height and bulk of buildings and determine the area of yards, courts, and other open spaces. Building, etc., regulations

SEC. 2. Section 38693 of said code is amended to read:

38693. By ordinance the legislative body may regulate, restrict, and segregate: What may be zoned

(a) The location of industries.

(b) The several classes of business, trades, or callings.

(c) The location of apartment or tenement houses, club houses, group residences, two-family dwellings, single-family dwellings, and the several classes of public and semipublic buildings.

(d) The location of buildings or property designed for specified uses.

SEC. 3. Section 38694 of said code is amended to read:

Regulations

38694. The legislative body may impose regulations designating:

(a) The class of use that is excluded or subjected to special regulations.

(b) The uses for which buildings may not be erected or altered.

(c) The class of use which is permitted.

SEC. 4. Section 38695 of said code is amended to read:

Factors to be considered

38695. Among other things, the legislative body shall give reasonable consideration to:

(a) The character of the district and its peculiar suitability for particular uses, and the character of buildings already erected in the district.

(b) The conservation of property values.

(c) The direction of building development according to a well considered plan, and the use to which land may be put.

SEC. 5. Section 38696 of said code is amended to read:

Regulations limiting size, etc

38696. The legislative body may impose reasonable regulations and limitations upon the height and bulk of buildings and regulate and determine the area of yards, courts, and other open spaces, with due regard to the nature of the use and occupancy in such case.

SEC. 6. Section 38697 of said code is amended to read:

Regulations

38697. The regulations:

(a) Shall be uniform for each class of building throughout each district.

(b) May differ in one or more districts from regulations in other districts.

(c) Shall be designed to secure safety from fire and other dangers, to promote the public health and welfare, and to secure adequate light, air, and reasonable access.

SEC. 7. Section 38699 of said code is amended to read:

Planning commission recommendations

38699. In a city having a city planning commission the legislative body shall require the commission to recommend the district boundaries and appropriate regulations and restrictions. Before establishing or altering the boundary of any district or changing the uses permitted or prohibited therein, the legislative body shall by resolution require the planning commission to recommend such boundaries and uses.

SEC. 8. Section 38701 of said code is amended to read:

Filing of final report

38701. The legislative body shall not establish or alter district boundaries or impose regulations until after the filing of the commission's final report with the city clerk. The final report shall be filed with the city clerk within 40 days after the effective date of the resolution requiring the recommendation of the planning commission, and if no such report shall be filed within said period of time, the legislative body may proceed without such report.

SEC. 9. Section 38702 is amended to read:

38702. Before introducing an ordinance establishing or altering district boundaries or changing uses permitted or prohibited within any district, the legislative body shall afford interested persons and the general public an opportunity to be heard at a time and place specified in the notice of hearing. Hearing Notice

SEC. 10. Section 38704 of said code is amended to read:

38704. Not less than 10 days before the day the hearing is to be held, the notice shall be published at least three times in a daily newspaper or at least once in a newspaper published less often. Publication

SEC. 11 Section 38705 of said code is amended to read:

38705. If there is no city planning commission, the legislative body shall do all things required by this article to be done by the city planning commission. The powers conferred and the procedure prescribed by this chapter are in addition to the powers and procedure conferred and prescribed by any other law. No planning commission

SEC. 12. Section 38707 of said code is amended to read:

38707. In addition to a planning commission, a city may establish a zoning commission to investigate, act upon, and report to the legislative body upon applications for variance or use permits. A copy of the zoning commission's report shall be filed with the city planning commission at least 10 days prior to the date of any public hearing before the legislative body on the application. If written objections to the granting of the variance permit are filed by the planning commission, a majority vote of the members of the legislative body, taken after the public hearing, is required for the granting of the permit. Zoning commission

SEC. 13. Section 38698 of said code is hereby repealed. Repeal

SEC. 14. Any ordinance or amendment thereto passed pursuant to the Zoning Law of 1917 or the Conservation and Planning Act or its predecessor, is hereby confirmed, validated and declared legally effective. Gov. C., §38690 ff Stats. 1947, p. 1909

This section shall not operate to confirm, validate or legalize any act or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined, and shall not operate to confirm, validate or legalize any act or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective. Construction

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CHAPTER 1691

An act to amend Sections 79.4, 79.51, and 79.58 of the Code of Civil Procedure, relating to salaries of judges of the superior court.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 79.4 of the Code of Civil Procedure is amended to read:

Superior Court judges salaries Butte County

79.4. The annual salary of each judge of the Superior Court in and for the County of Butte is thirteen thousand five hundred dollars ($13,500).

SEC. 2. Section 79.51 of said code is amended to read:

Same Sutter County

79.51. The annual salary of the judge of the Superior Court in and for the County of Sutter is thirteen thousand five hundred dollars ($13.500).

SEC. 3. Section 79.58 of said code is amended to read:

Same Yuba County

79.58. The annual salary of the judge of the Superior Court in and for the County of Yuba is thirteen thousand five hundred dollars ($13,500).

CHAPTER 1692

An act to amend Section 449 of the Education Code, relating to county school superintendent's salary in counties of the forty-ninth class.

In effect September 22 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 449 of the Education Code is amended to read:

Lake County superintendent of schools Salary

449. The annual salary of the county superintendent of schools of a county of the forty-ninth class is six thousand dollars ($6,000), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

CHAPTER 1693

An act to amend Section 4300f of the Political Code, Section 196 of the Code of Civil Procedure, and Section 28112 of the Government Code, relating to jurors' fees.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 4300f of the Political Code is amended to read:

Jurors' fees

4300f. Jurors' fees, except as by statute otherwise provided:

For attending, as a grand juror or juror in the superior court or municipal court, for each day's attendance, per day, three dollars ($3).

For attending justice courts, and city courts of cities of the fifth and sixth class, for each juror sworn to try the cause, per day, three dollars ($3).

For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents ($0.15).

The jurors' fees herein provided to be paid in criminal cases in justice and municipal courts shall be county charges where the cause is tried in a municipal or township court; in all other cases said fees shall be proper charges against the municipality in which such court is located; provided, however, anything herein to the contrary notwithstanding, that, in any criminal case in an inferior court in which any fine or forfeiture which would accrue would be payable to the treasurer of the county in which such court is located, then the sums required by law to be paid to the trial jurors, if any, and witnesses in said case, shall be county charges.

SEC. 2. Section 196 of the Code of Civil Procedure is amended to read:

196. Jurors' fees in civil cases, except as by statute otherwise provided, are: Same

(a) For attending, as a grand juror or juror in the superior court or municipal court, for each day's attendance, per day, three dollars ($3).

(b) For attending city courts of cities of the fifth and sixth class, for each juror sworn to try the cause, per day, three dollars ($3).

(c) For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents ($0.15).

(d) For attending justices' courts, for each juror sworn, three dollars ($3) per day. In addition each juror attending a justice's court shall be entitled to fifteen cents ($0.15) per mile, for each mile actually traveled in attending as a juror, in going only, together with meals and lodging.

SEC. 3. Section 28112 of the Government Code is amended to read:

28112. In a county of the twelfth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums: Orange County officers Salaries

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations three dollars ($3) a day. In justices' courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justices' courts and city courts in criminal cases jurors shall receive for each day's attendance, three dollars ($3). All jurors shall receive ten cents ($0.10) for each mile actually

and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in a city court shall be paid by the city in which the court is established.

The compensation provided by this section shall be payable to incumbent officers.

Effect Stats 1951, Ch 655

SEC. 4. Section 2 of this act becomes operative only if Section 4300f of the Political Code is repealed by the Legislature at its 1951 Regular Session, and in such case, at the same time said repeal takes effect.

CHAPTER 1694

Stats 1935, p 1226

An act to amend Sections 64, 67, 70, 75, 79, and 97 of the Unemployment Insurance Act, relating to a system of unemployment and disability insurance.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 64 of said act is amended to read:

Recovery of overpayment, etc

Sec. 64. (a) Any person who is overpaid any amount as benefits under this act to which he is not entitled shall become liable for such amount; provided, that in the absence of fraud, misrepresentation or wilful nondisclosure, such person shall not be liable for an amount of overpayment received without fault on his part where the recovery thereof would be against equity and good conscience. The amount of the overpayment and the basis thereof shall be assessed to the liable person; provided, that, in the absence of fraud, misrepresentation, or wilful nondisclosure, every notice of assessment shall be mailed or personally served not later than one year after the close of the benefit year in which the purported overpayment was made. Within 10 days from the date of mailing or serving of the notice of overpayment, such person may file an appeal to a referee; provided, that said 10 days may be extended for good cause. The referee, after affording reasonable opportunity for a fair hearing, shall unless such appeal is withdrawn, affirm, set aside, or modify the findings set forth in the notice of overpayment. The party shall be duly notified of the referee's decision, together with his reasons therefor, which shall be deemed to be final unless within ten (10) days from the date of notification or mailing of such decision a further appeal is initiated to the appeals board pursuant to the provisions of Section 72 of this act; provided, that said 10 days may be extended for good cause.

Determination of amount

(b) The appeals board after affording the person a hearing shall review the matter and shall determine what amount, if any, shall be recovered.

(c) The director, subject to the provisions of subsections (a) and (b) hereof, may recover the amount of overpayment by filing a civil action within one year after the notice of the overpayment or by offsetting against any amount of benefits to which the liable person is entitled in any benefit year which begins during the one-year period next succeeding the date of such notice. Recovery procedure

(d) No person shall become liable for the amount of benefits received where such benefits were paid pursuant to a referee's decision which affirmed an initial determination or in accordance with a final decision of the appeals board, regardless of any further appeal. An employer's experience rating account shall not be charged with any benefits erroneously or unlawfully paid. Benefits erroneously paid, etc

SEC. 2. Section 67 of said act is amended to read:

Sec. 67. (a) Claims for benefits shall be made in accordance with authorized regulations. Except as hereinafter otherwise provided, benefits shall be promptly paid if the claimant is found eligible or promptly denied if the claimant is found ineligible. Claims for benefits

(b) A notice of the filing of a new or additional claim shall be given to the employing unit by which the claimant was last employed immediately preceding the filing of such claim. Notice to last employer

(c) Upon receipt of notice of the filing of a new or additional claim the employing unit so notified shall submit within 10 days after the mailing of such notice any facts then known which may affect the eligibility of the claimant for benefits. Submission of facts by employer

(d) The facts submitted by an employer pursuant to subsection (c) shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant and any employer who prior to the determination has submitted any facts or given any notice pursuant to subsection (c) and authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination, whichever is the later; provided, that said 10 days may be extended for good cause. Appeal from determination

(e) Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount. The claimant and each of the claimant's base period employers shall be promptly notified of the computation. Computation of benefits

(f) Upon the receipt of notice of the computation, the claimant and any base period employer so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination as to the accuracy of the computation made thereon. The claimant and the base period employer submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in subsection (d) hereof. Protest of computation

(g) Upon the receipt of notice of the computation, any base period employer so notified shall submit any facts then known Submission of facts by employer

which he was not previously required to submit under subsection (c) which may affect the eligibility of the claimant for benefits. A determination shall be made thereon and the claimant and the base period employer submitting the facts shall be promptly notified of the determination and the reasons therefor. An appeal therefrom may be taken in the manner prescribed in subsection (d) hereof.

Reconsideration by department

(h) Any computation or determination provided for in this section may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notification of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notification, under subsections (b) and (e) of this section, of the claim, the determination on which is being reconsidered, and the claimant or employer may appeal therefrom in the manner provided herein for appeals from other determinations.

Procedure

(i) Notices, protests, and information required under this section shall be submitted in accordance with authorized regulations.

SEC. 3. Section 70 of said act is amended to read:

Procedure on disputed claims, etc.

Sec. 70. (a) The manner in which disputed claims shall be presented, the reports required thereon from the claimant and from any employing unit and the conduct of hearings and appeals shall be in accordance with rules prescribed by the appeals board; provided, however, that the appeals board shall require referees to consolidate for hearing cases with respect to which the alleged facts and the points of law are the same. The appeals board or its representative and referees in hearings and appeals need not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure but may conduct the hearings and appeals in such manner as to ascertain the substantial rights of the parties. A full and complete record shall be kept of all proceedings in connection with disputed claims. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

Administration of oaths, etc

(b) In any proceeding, hearing, investigation or in the discharge of any duties imposed under this act any member of the appeals board and any duly authorized deputy, referee or employee designated by the appeals board shall have the power to administer oaths, take depositions, certify to official acts and issue subpenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

Enforcement of subpenas

(c) Obedience to subpenas issued in accordance with this section by any member of the appeals board or by any duly authorized deputy, referee or employee may be enforced by application to the superior court as set forth in Article 2, Chapter 2, Part 1 of Division 3 of the Government Code.

Self-incrimination

(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the deputy, referee, or any duly

authorized representative of the appeals board, or the appeals board, or any obedience to the subpena of any of them in any cause or proceeding before such persons on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or any thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 4. Section 75 of said act is amended to read:

Department of Employment

Sec. 75. (a) The Department of Employment is hereby created in the State Government, and the provisions of this act shall be administered by an executive officer known as Director of Employment. The director shall be appointed by the Governor, subject to the approval of the Senate, from the membership of the commission, and shall serve as director at the pleasure of the Governor and without additional compensation. The director shall act as chairman of the commission.

Director's assistants

(b) The director shall appoint such assistants except personnel of the appeals board as he may find necessary for the administration of this act, subject to the provisions of the Government Code, and may delegate to any of the officers or employees of the department such powers and duties as he may consider necessary for the proper administration of this act.

"Director"

(c) As used in this act "director" refers to the Director of Employment. The director shall exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes vested by law in the commission, and wherever in this act the term "commission" is used it shall be construed to mean "director" or the department as the context requires except that the powers, duties, and responsibilities provided in Sections 41 3, 43, 61, 91, and 404 of this act shall be retained in the commission and shall be exercised by a majority of its members in meetings open to the public.

"Commission"

SEC. 5. Section 79 of said act is amended to read:

Delegation of hearings

Sec. 79. In any case before it, the appeals board may delegate to any one of its members or to a special examiner or referee the taking and hearing of evidence. Whatever decision is rendered by the said board must be the act of a majority of its members. The appeals board and its duly authorized representatives in the performance of its duties under this act shall have the powers of a head of a department as set forth in Sections 11180 to 11191, inclusive, of the Government Code.

SEC. 6. *Section 97* of said act is amended to read:

Information confidential

Sec. 97. (a) The information furnished to the director by an employing unit, pursuant to this act, shall, except to the extent necessary to properly present a claim for benefits, or to acquaint a worker or his duly authorized agent with his then existing or prospective right to benefits, or to

furnish an employer or his duly authorized agent with information to enable him to fully discharge his obligations or safeguard his rights under the act, or to secure a reduction in contribution rate, and except as provided hereinafter in this section or in Section 100, be for the exclusive use and information of the director in discharge of his duties and shall not be open to the public, nor admissible in evidence in any action or special proceeding, other than one arising out of the provisions of this act. Such information may be tabulated and published in statistical form for the use and information of state departments and the public, except that the name of the employing unit or of any worker shall never be divulged in the course of such tabulation or publication.

Reports by director

(b) The director shall make such reports in such form and containing such information, as the Bureau of Employment Security, United States Department of Labor, may from time to time require, and shall comply with such provisions as such bureau may from time to time find necessary to assure the correctness and verification of such reports. The director shall also make available, upon request, to any agency of the United States Government charged with the administration of public works or assistance through public employment, the following information relating to recipients of unemployment compensation:

(1) The recipient's name;

(2) The recipient's address;

(3) The ordinary occupation and employment status of each such recipient of unemployment benefits;

(4) A statement of such recipient's rights to further compensation under this act.

Exchange of information

(c) The department may exchange information with other governmental departments and agencies, both federal and state, which are concerned with the administration of unemployment insurance, or the collection of taxes which may be used to finance the administration of unemployment insurance, or the relief of unemployed or destitute individuals, or legislation concerning, regulating, or in any manner affecting the obligations arising out of an employer-employee relation, and with such other departments or agencies of government as the department may deem necessary or desirable for the proper administration of the act, in accordance with such general rules or regulations as it may prescribe.

CHAPTER 1695

An act to amend Sections 151.1, 201, 207, 210, 302, 303, 307, and 311 of the Unemployment Insurance Act, relating to a system of unemployment and disability insurance.

Stats 1935, p. 1226

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 151.1 of the Unemployment Insurance Act is amended to read:

Sec. 151.1. (a) An individual shall be disqualified from receiving benefits under this article if he has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under this article. Disqualification

(b) If an individual is so disqualified, the disqualification shall be for the day during which there occurred the cause of the disqualification and for not less than six nor more than 34 days which immediately follow such day, provided he is unemployed due to a disability for such period. In the event there is a recurrence of the same disqualification, subsequent to the initial disqualification during such period, the director may, in his discretion, extend the period of ineligibility for an additional period not to exceed 56 days. Length of disqualification

SEC. 2. Section 201 of said act is amended to read:

Sec. 201. "Disability" or "disabled" includes both mental or physical illness and mental or physical injury. An individual shall be deemed disabled in any day 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 28 days thereafter. "Disability" "Disabled"

SEC. 3. Section 207 of said act is amended to read:

Sec. 207. (a) An individual shall not be eligible for unemployment compensation disability benefits with respect to any period for which the director 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. Eligibility

(b) An individual shall not be eligible for unemployment compensation disability benefits for any period of unemployment due primarily to a disability, for which period the director finds that with respect to such disability he has received, or is entitled to receive, in the form of cash payments, 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; provided, however, that if such benefits are less than the amount he would have otherwise received as disability benefits under Article 10 of this act, he shall be entitled to receive for such period, if otherwise eligible, disability benefits, reduced by the amount of such cash payments. Same

SEC. 3.5. Section 210 of the Unemployment Insurance Act is amended to read:

Sec. 210. As used in Section 209 "day" means any 24-hour period of time during which the claimant is in a hospital, or any 24-hour period or any part thereof for which a hospital charges a patient a full day's rate. "Day"

SEC. 4. Section 302 of said act is amended to read:

Sec. 302. All moneys 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. Disability Fund

Refunds or judgments, and interest thereon, 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 director.

SEC. 5. Section 303 of said act is amended to read:

Appropriation

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 interest thereon, and the payment of unemployment compensation disability benefits; provided, that a sum to be determined by the Director of Finance, of amounts deposited in the Disability Fund, may be used for the necessary 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 department 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.

SEC. 6. Section 307 of said act is amended to read:

Withdrawal of funds

Sec. 307. (a) The director shall, without presenting vouchers and itemized statements, withdraw from the Disability Fund any sums which he 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 director 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 director 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 department 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.

Disposition

Unclaimed refunds

(b) Any amounts determined by the director or his authorized representatives to be payable to employing units or workers as refunds of amounts deposited in the various accounts of the

Disability Fund which are unclaimed at the end of three years from such determination, shall be included in the revenue to that account in the Disability Fund in which it was deposited. The employing unit or person entitled to such payment shall not thereafter maintain any claim, action or proceeding with respect to such amounts. Whenever any warrant is drawn on an account in the Disability Fund by the State Controller or the director, and same remains unclaimed after three years, the amount thereof shall revert to that account in the Disability Fund from which the amount was payable.

SEC. 7. Section 311 of said act is amended to read:

Sec. 311. Whenever an individual is entitled to benefits under this article but there is a dispute whether such benefits are payable from the Disability Fund or from one or another voluntary plan, such individual shall, pursuant to authorized regulations, be paid benefits from whichever of the aforementioned sources against which his claim has been first filed, at not less than the Disability Fund rate, pending the determination of such dispute. The appeals board may prescribe by regulation the time, manner, method, and procedure through which such disputes may be determined by referees and the appeals board. If it is finally determined that the benefits should have been paid from one of said sources other than the one which paid such benefits, reimbursement shall be promptly made from the Disability Fund or the voluntary plan, as the case may be, and the claimant shall be promptly paid the accumulated excess, if any, to which he is entitled. Reimbursement shall also be made to the extent of actual liability for benefits from one to another of the above mentioned sources when it is determined that benefits have been paid in error from one source which should have been paid from another.

Dispute as to fund, etc., liable

CHAPTER 1696

An act to amend Sections 1622 and 2302 of the Welfare and Institutions Code, relating to boarding homes, to make costs for boarding home inspection payable on a fiscal year basis.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1622 of the Welfare and Institutions Code is amended to read:

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.

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 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 in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount averaging four dollars ($4) 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.

SEC. 2. Section 2302 of said code is amended to read:

Inspection service

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.

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 either 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 in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount averaging four dollars ($4) 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.

Operative date

SEC. 3. This act shall take effect July 1, 1952.

CHAPTER 1697

An act to amend Section 303 of the Probate Code, relating to disqualification of judges.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 303 of the Probate Code is amended to read:

303. No will shall be admitted to probate or letters of administration granted or other proceeding had (except the ordering of a transfer as hereinafter provided), before any judge who is interested as an heir of the decedent, or as a legatee or devisee under a will, or when he is named as executor or trustee in the will, or is in any other manner interested or disqualified from acting. A judge who was a witness to a will is disqualified from acting in any proceeding prior to and including the admission of the will to probate or in any proceeding involving its validity or interpretation.

Interest of judge, etc

When a petition is filed praying for the admission of a will to probate or for the granting of letters of administration, or when proceedings are pending with respect to an estate, and there is no judge of the superior court in that county qualified to act, the court or judge must make an order transferring the proceedings to the superior court of an adjoining county, and the clerk must transmit to the clerk of the court to which the proceedings are transferred a certified copy of the order together with all papers in the proceedings on file in his office; and thereafter the court to which the proceedings are transferred shall exercise the same jurisdiction over the estate and all matters relating to the administration thereof as if it had original jurisdiction. But such transfer shall not be ordered when some other judge qualified to act is assigned by the chairman of the judicial council to sit in the county where such proceedings are pending, to hear such proceedings.

Procedure when no judge qualified

CHAPTER 1698

An act to amend Section 5050.5 of the Insurance Code, relating to insurance.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 5050.5 of the Insurance Code is amended to read:

5050.5. Any county mutual fire insurer heretofore or hereafter incorporated and doing business under the provisions of this chapter may, if it has issued an insurance policy against fire,

County mutual fire insurer

and as long as it maintains an excess of admitted assets over liabilities of at least fifty thousand dollars ($50,000), endorse such policy to extend the coverage thereof to include insurance of the kinds included in Sections 107 and 120.

CHAPTER 1699

An act to amend Section 1500 of the Welfare and Institutions Code, relating to aid to needy children in respect to children in the custody of licensed adoption, home-finding or child-placing agencies.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 1500 of the Welfare and Institutions Code is amended to read:

"Needy child"

1500. As used in this chapter, "needy child" means a needy person under the age of 18 years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or a needy person under the age of 18 years who has been relinquished for adoption to an organization licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption and who subsequently has been found by the organization to be unplaceable for adoption. No child deprived of parental support because of separation or desertion shall be considered a "needy child" if the period of absence is less than three months.

CHAPTER 1700

An act to amend Sections 137, 137.5, 138, 139, 140, 141, and 146 of, and to add Sections 137.1, 137.2, 137.3, and 169.1 to, and to repeal Section 147 of, the Civil Code, relating to personal relations.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 137 of the Civil Code is amended to read:

Permanent support and maintenance

137. When the husband or wife has any cause of action for divorce as provided in this code, or the husband or wife wilfully deserts the wife or husband, or when the husband or wife wilfully fails to provide for the wife or husband, he or she, as the case may be, may, without applying for a divorce, maintain in

the superior court an action against her or him, as the case may be, for the permanent support and maintenance of herself or himself, and may include therein at her or his discretion an action for support, maintenance and education of the children of said marriage during their minority. Such action shall be known as an action for separate maintenance.

SEC. 2. Section 137.1 is added to said code, to read:

Action for support etc of children

137.1. When a father or mother has the duty to provide for the support, maintenance and education of the children of the father and mother and wilfully fails to provide for such support, maintenance and education, the father or mother, as the case may be, or any child by its guardian ad litem, may maintain an action in the superior court against the mother or father, or both, as the case may be, for the support, maintenance and education of said children.

SEC. 3. Section 137.2 is added to said code, to read:

Payments during pendency of divorce action

137.2. During the pendency of any action for divorce or for separate maintenance or for the support, maintenance or education of children, the court may order the husband or wife or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance and education of the children, as the case may be. Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary. Any such order may be modified or revoked at any time during the pendency of the action except as to any amount that may have accrued prior to the order of modification or revocation.

SEC. 4. Section 137.3 is added to said code, to read:

Costs and attorney's fees

137.3. During the pendency of any action for divorce or for separate maintenance, or for the support, maintenance or education of children, the court may order the husband or wife or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the action and for attorney's fees Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary.

SEC. 5. Section 137.5 of said code is amended to read:

Payments direct to attorney

137.5. Whenever the court in any action for annulment, divorce or for separate maintenance or for the support, maintenance and education of children, orders one of the parties to pay attorneys' fees for the benefit of the other for the prosecution or defense of the action, as the case may be, such fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. Any such order may be enforced by the court in the manner specified in Section 137.3 of this code.

SEC. 6. Section 138 of said code is amended to read:

Custody of children

138. In actions for divorce or for separate maintenance the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of any

of the children of the marriage, make such order for the custody of such minor children as may seem necessary or proper and may at any time modify or vacate the same. In awarding the custody the court is to be guided by the following considerations:

(1) By what appears to be for the best interests of the child; and if the child is of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question;

(2) As between parents adversely claiming the custody, neither parent is entitled to it as of right; but other things being equal, if the child is of tender years, custody should be given to the mother; if the child is of an age to require education and preparation for labor or business, then custody should be given to the father.

SEC. 7. Section 139 of said code is amended to read:

Support allowance

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties, and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

Same Modification, etc

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Termination of obligation

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

SEC. 8. Section 140 of said code is amended to read:

Security for payments

140. The court may require any person required to make any payments under the provisions of this article to give reasonable security therefor and may enforce the same by the appointment of a receiver, or by any other remedy applicable to the case.

SEC. 9. Section 141 of said code is amended to read:

Order of property liability

141. In the enforcement of any decree, judgment or order rendered pursuant to the provisions of this article, the court must resort:

1. To the community property; then,

2. To the separate property of the party required to make such payments.

SEC. 10. Section 146 of said code is amended to read:

146. In case of the dissolution of the marriage by decree of a court of competent jurisdiction or in the case of judgment or decree for separate maintenance of the husband or the wife without dissolution of the marriage, the court shall make an order for disposition of the community property and for the assignment of the homestead as follows: Disposition of community property, etc

One. If the decree is rendered on the ground of adultery, incurable insanity or extreme cruelty, the community property shall be assigned to the respective parties in such proportions as the court, from all the facts of the case, and the condition of the parties may deem just.

Two. If the decree be rendered on any other ground than that of adultery, incurable insanity or extreme cruelty, the community property shall be equally divided between the parties.

Three. If a homestead has been selected from the community property, it may be assigned to the party to whom the divorce or decree of separate maintenance is granted, or, in cases where a divorce or decree of separate maintenance is granted upon the ground of incurable insanity, to the party against whom the divorce or decree of separate maintenance is granted. The assignment may be either absolutely or for a limited period, subject, in the latter case, to the future disposition of the court, or it may, in the discretion of the court, be divided, or be sold and the proceeds divided.

Four. If a homestead has been selected from the separate property of either, in cases in which the decree is rendered upon any ground other than incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it for a limited period to the party to whom the divorce or decree of separate maintenance is granted, and in cases where the decree is rendered upon the ground of incurable insanity, it shall be assigned to the former owner of such property, subject to the power of the court to assign it to the party against whom the divorce or decree of separate maintenance is granted for a term of years not to exceed the life of such party.

This section shall not limit the power of the court to make temporary assignment of the homestead at any stage of the proceedings.

Whenever necessary to carry out the purpose of this section, the court may order a partition or sale of the property and a division or other disposition of the proceeds.

SEC. 11. Section 147 of said code is repealed. Repeal

SEC. 12. Section 169.1 is added to said code, to read:

169.1. After the rendition of a judgment or decree for separate maintenance the earnings or accumulations of each party are the separate property of the party acquiring such earnings or accumulations. Earnings after separate maintenance decree

CHAPTER 1701

An act to amend Sections 11020 and 11021 of the Government Code, relating to operation of state offices.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 11020 of the Government Code is amended to read:

Office hours of state agencies

11020. Unless otherwise provided by law, all offices of every state agency shall be kept open for the transaction of business from 8 o'clock a.m. until 5 o'clock p.m. of each day from Monday to Friday both inclusive, other than legal holidays, but the Office of Treasurer shall close one hour earlier; provided, however, any state agency or division, branch or office thereof may be kept open for the transaction of business on other hours and on other days than those specified herein.

SEC. 2. Section 11021 of the Government Code is amended to read:

Saturday operation

11021. When a state agency is open or operates on Saturday such state agency may operate with a skeleton crew from 9 o'clock a.m. to 12 o'clock noon of each Saturday if the total number of hours per week of its employees is not less than the total number of office hours established in this article.

CHAPTER 1702

An act adding Sections 35002.5, 35003, 35105.5, 35158, 35304.5, and 35326 to, and amending the article heading of Article 1, Chapter 1, Part 2, Division 2, Title 4 of, and amending Sections 35101 and 35313 of, the Government Code, relating to the annexation of territory to municipal corporations.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. The article heading of Article 1, Chapter 1, Part 2, Division 2, Title 4 of the Government Code is amended to read:

Article 1. General

SEC. 2. Section 35002.5 is added to the Government Code, to read:

"Contiguous"

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only contiguity is based on a strip of land over 300 feet long and less than 200 feet wide exclusive of highways.

SEC. 2.5. Section 35003 is added to the Government Code, to read:

Annexation of territory owned by public agency

35003. Notwithstanding the provisions of Section 35002.5, territory which is wholly owned by a public agency may, with

the consent of that public agency be annexed to a city together with any street, highway or road which connects such territory to the city.

SEC. 3 Section 35101 of the Government Code is amended to read:

35101. When any proceedings for annexation of territory to a city are commenced pursuant to this article, the provisions of Article 1 of this chapter and of this article alone apply. Proceeding for annexation of territory

SEC. 3.5. Section 35105 5 is added to the Government Code, to read:

35105.5. Notwithstanding the provisions of Section 35002.5, territory consisting of property abutting on a street, highway, or road, and such street, highway or road to the extent that it abuts such property together with any street, highway, or road which connects such territory to the city may be annexed to a city pursuant to this article; provided, that if any portion of such territory or street, highway, or road is situated within three miles of the boundaries of any other city the consent of the legislative body of such other city shall first be obtained. Property abutting on a street, etc

SEC. 4. Section 35158 is added to the Government Code, to read:

35158. Territory shall not be annexed to a city pursuant to this article if, as a result of such annexation, unincorporated territory is completely surrounded by such city. Limitation

SEC. 4.5 Section 35304.5 is added to the Government Code, to read:

35304.5. Notwithstanding the provisions of Section 35002.5, territory consisting of property abutting on a street, highway, or road and such street, highway, or road to the extent that it abuts such property together with any street, highway, or road which connects such territory to the city may be annexed to a city pursuant to this article if the owner or owners of all such abutting property either petition for such annexation or file their consent to such annexation in writing with the governing body of the city; provided, that if any portion of such territory or street, highway or road is situated within three miles of the boundaries of any other city the consent of the legislative body of such other city shall first be obtained. Property abutting on a street, etc

SEC. 5. Section 35313 of the Government Code is amended to read:

35313. At the time set for hearing protests the legislative body shall hear and pass upon all protests so made. If protest is made by the owners of one-half of the value of the territory as shown by the last equalized assessment roll, or if protest is made by public and private owners equal to one-half of the value of the territory proposed to be annexed as determined by the legislative body, further proceedings shall not be taken. Protests

SEC. 6. Section 35326 is added to said code, to read:

35326. Territory shall not be annexed to a city pursuant to this article if, as a result of such annexation, unincorporated territory is completely surrounded by such city. Limitation

CHAPTER 1703

An act to amend Section 2893 of the Education Code, relating to the annexation of school districts.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 2893 of the Education Code is amended to read:

Petition for annexation

2893. A majority of the registered electors residing in the district and who have children enrolled in any elementary school, whether in the district of residence or another district, as shown by the teachers' register for the current or next preceding term, shall present to the county superintendent of schools a petition for annexation. The petition shall be accompanied by an agreement to the annexation, signed by a majority of the members composing the board of trustees of the union or joint union district to which admission is desired.

CHAPTER 1704

An act providing for the constitution of the municipal court in a district embracing the Cities of Berkeley and Albany, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Berkeley and Albany municipal courts Salaries

SECTION 1. The municipal court established in a district embracing the Cities of Berkeley and Albany shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be two judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum, payable in equal monthly installments;

(2) There shall be one clerk who shall receive six hundred dollars ($600) per month, and who may appoint the following:

Two chief deputies, each of whom shall receive a minimum salary of three hundred dollars ($300) monthly with annual increments of ten dollars ($10) to a maximum of three hundred fifty dollars ($350) monthly;

Five deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-five dollars ($275) monthly with annual increments of ten dollars ($10) to a maximum of three hundred twenty-five dollars ($325) monthly;

One deputy clerk, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly with annual increments

of ten dollars ($10) to a maximum of three hundred dollars ($300) monthly;

Four deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-five dollars ($225) monthly with annual increments of ten dollars ($10) to a maximum of two hundred seventy-five dollars ($275) monthly;

(3) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

(4) The sheriff and his deputies shall act ex officio as marshal and deputy marshals.

CHAPTER 1705

An act providing for the constitution of the municipal court in a district embracing the Cities of Palo Alto and Mountain View, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The municipal court established in a district embracing the Cities of Palo Alto and Mountain View known and designated as the Palo Alto-Mountain View District shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

Palo Alto and Mountain View municipal courts. Salaries

(1) There shall be one judge who shall receive a salary of ten thousand dollars ($10,000) per annum, payable in equal monthly installments.

(2) There shall be one clerk who shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twenty-two dollars ($22), twenty-two dollars ($22), twenty-two dollars ($22), and twenty-two dollars ($22) to a maximum of three hundred fifty-three dollars ($353) monthly;

The clerk may appoint one deputy (court clerk) at a minimum salary of two hundred thirty-five dollars ($235) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of three hundred seventeen dollars ($317) monthly;

Two deputy clerks (typists) at a minimum salary of one hundred ninety-five dollars ($195) monthly, with annual increments of twenty-one dollars ($21), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of two hundred sixty-seven dollars ($267) monthly.

(3) There shall be one marshal who shall receive a minimum salary of two hundred seventy-five dollars ($275) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of three hundred sixty-five dollars ($365) monthly;

The marshal may appoint:

One deputy at a minimum salary of two hundred fifty dollars ($250) monthly with annual increments of twenty-one dollars ($21), twenty-one dollars ($21), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of three hundred thirty-five dollars ($335) monthly;

Two deputies (custodians) at the fee allowed by law for keeping property.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

CHAPTER 1706

An act providing for the constitution of municipal courts in districts in Stanislaus County other than the district embracing the City of Modesto, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Stanislaus County municipal courts Salaries

SECTION 1. The municipal courts established in districts in Stanislaus County other than the district embracing the City of Modesto shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge who shall receive eight thousand dollars ($8,000) per annum payable in equal monthly installments;

(2) There shall be one clerk, who shall receive a minimum salary of two hundred ninety dollars ($290) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly and who may appoint the following:

One deputy clerk, who shall be a court clerk and who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of eleven dollars ($11),

twelve dollars ($12), twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly;

Two deputy clerks, who shall receive a minimum salary of two hundred two dollars ($202) monthly, with annual increments of nine dollars ($9), ten dollars ($10), ten dollars ($10) and eleven dollars ($11) to a maximum of two hundred forty-two dollars ($242) monthly;

(3) There shall be one marshal, who shall receive a minimum salary of two hundred ninety dollars ($290) monthly, with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred forty-nine dollars ($349) monthly and who may appoint the following:

One deputy marshal, who shall receive a minimum salary of two hundred forty-two dollars ($242) monthly, with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred ninety dollars ($290) monthly;

Two deputy marshals (custodians), at the fee allowed by law for keeping property.

(4) Persons who succeed to positions in the municipal court under provisions of the Municipal and Justice Court Act of 1949 shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service, up to the maximum rate set.

CHAPTER 1707

An act to provide for the formation of districts within municipalities for the acquisition and improvement of public parking places for the parking of motor vehicles; the issuance and sale of bonds to pay the costs of such acquisition and improvement and payable from revenues from such parking places and also from revenues from parking meters on some or all of the public ways in such districts or from ad valorem assessments upon real property in such districts, or both; the acquisition, construction, improvement, maintenance and operation of such parking places; the appointment and powers of parking place commissions for such districts.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as and whenever cited, referred to, or amended may be designated as "The Parking District Act of 1951." Any district formed hereunder may be named "Parking District No. ____ of the City of _____." Short title

Definitions

SEC. 2. As used in this act, unless the context requires a different construction, the following terms shall have the following meanings:

(1) "Legislative body" means the legislative body of the city in which the district is located.

(2) "Assessment roll" means the assessment roll used by the city for purposes of city taxation.

(3) "Net revenues," as used with reference to a parking meter, means the revenues remaining after deductions for the cost of acquiring said meter and the cost of its maintenance, operation, repair, servicing and policing.

(4) "Real property" means land and improvements thereon.

Formation of parking district

SEC. 3. Any portion of a municipality incorporated under the laws of this State may be formed into a parking district for the purposes herein set forth. The things authorized to be done under this act, in addition to any things specified in other sections of this act, include the following:

(1) The formation of districts as herein provided;

(2) The acquisition of land, property and rights of way necessary or convenient for use as public parking places for the parking of motor vehicles and for the opening, widening, straightening or extending of streets, alleys, lanes or walks necessary or convenient for ingress to or egress from any parking place; the words "parking places" as used herein include parking lots, garages, subsurface structures, and buildings for the parking of motor vehicles;

(3) The improvement of any lands acquired by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes, and the improvement by grading, paving, draining, lighting or otherwise improving any parking place and any streets, alleys, lanes or walks necessary or convenient for ingress to and egress from parking places;

(4) The issuance, sale and payment of bonds for any or all of the foregoing purposes and the levy and collection of ad valorem assessments upon real property within the district for the payment of all or a portion of the principal and interest of such bonds;

(5) The administration, maintenance and operation of parking places acquired under this act;

(6) The fixing and collection of rentals, fees and charges for the use of parking places and the use of moneys derived from such rentals, fees and charges;

(7) The contribution by cities of moneys for the acquisition and improvement of such public parking places and public ways for ingress to and egress therefrom; the allocation and pledge of any revenues of the city derived from parking meters on public ways within the district to the payment of principal and interest of bonds, and the making of covenants and agreements with the bondholders to install and maintain such meters.

(8) The employment of engineers, attorneys, and any other persons necessary or convenient for the doing of any of the acts authorized by this act;

(9) Any property to be acquired hereunder may be acquired by gift, purchase, or eminent domain, and any conveyance of property or right of way as a gift may be conditional upon the use of the property for the purpose for which it is conveyed or property may be conveyed to the city in trust for a particular use or uses and the conveyance may provide that upon the cessation or abandonment of such use or uses the property shall be reconveyed to the donor or to his or its successors or assigns. Any property acquired by condemnation or otherwise may be acquired in fee simple.

(10) The doing of all acts and things necessary or convenient for the accomplishment of any of the purposes of this act. The enumeration of specific authority in this act shall not be deemed to limit in any way the general authority granted by this paragraph.

(11) Any bonds issued hereunder, and the interest thereon, shall be payable from net revenues from the operation of the parking place or places acquired or improved with the proceeds thereof, and in addition thereto may also be payable from the net revenues (or a portion thereof) from parking meters on some or all of the public ways in the district To the extent to which such revenues have been or are expected to be insufficient in any year to pay such principal and interest, such bonds may also be payable from ad valorem assessments levied upon real property in the district within the limits herein provided Neither the city nor any officer thereof shall be held otherwise liable for the payment of such principal and interest.

Proposal of formation

SEC. 4. The formation of a parking district hereunder may be proposed by petition signed by owners of real property in the proposed district as shown by the last equalized assessment roll owning lands of an assessed value not less than thirty-five percent (35%) of the total assessed value of all taxable real property in said district as shown by said assessment roll.

Petition

SEC. 5. The petition shall contain:

(1) The proposed name of the district.

(2) A general description of the boundaries of the proposed district.

(3) A general description of the parking places proposed to be acquired. Said parking places need not be within the boundaries of the proposed district.

(4) A general description of any public ways proposed to be acquired for ingress to or egress from said parking places.

(5) A general statement of the improvements to be made or constructed on said proposed parking places, or on said public ways proposed to be acquired, or on existing public ways which would provide ingress to or egress from said proposed parking places.

(6) The limits as to time and rate upon ad valorem assessments, if any, which may be levied upon taxable real property

in said district to pay principal and interest of bonds issued for acquisitions and improvements for the benefit of the district, which limits shall not exceed, as to time, 20 years from the date of said bonds, and, as to rate, fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

(7) The amount of money, if any, which it is proposed that the city contribute toward the cost and expense of the acquisitions and improvements proposed by the petition.

(8) A general statement of the public ways within the district on which it is proposed the city install and maintain, or continue to maintain, parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of said bonds, and the period of time (measured from the date of said bonds) for which it is proposed that the city agree to maintain said meters. If it is proposed that only a portion of said net revenues shall be so allocated and pledged, such portion shall be generally defined.

Verification, etc., of petition

SEC. 6. Said petition shall be verified by one or more persons and shall be filed in the office of the clerk of the legislative body. The clerk of the legislative body shall examine said petition and if he finds that it is signed by a sufficient number of qualified signers he shall so certify to the legislative body.

Proposal of contribution of money

SEC. 7. If the petition proposes a contribution of money by the city, the legislative body either shall reject the petition or shall, prior to the adoption of the resolution of intention, agree to make a contribution not less than the amount specified in the petition. The statement of the amount of city contribution in the petition or in the resolution of intention shall not prevent the city from making additional contributions to the project before or after the issuance of bonds therefor and shall not prevent the city from paying all or any part of the incidental expenses in connection with the proceedings hereunder. If the petition proposes that the city install and maintain, or continue to maintain, parking meters on public ways within the district, the legislative body either shall reject the petition or shall, prior to the adoption of the resolution of intention, agree to install and maintain, or continue to maintain, parking meters as proposed in the petition; provided, that the legislative body shall not so agree unless it finds and determines that the public interest, convenience and necessity require that such meters be installed and maintained, or be continued to be maintained, as proposed in the petition.

Approval or rejection by legislature Report of city engineer, etc

SEC. 8. Following the filing of a petition certified by the clerk of the legislative body as sufficient, the legislative body shall either approve said petition or reject it. If it approves the petition it shall direct the city engineer or other competent person to make and file with it a report showing the following:

(1) An estimate of the cost of the acquisitions and improvements proposed by the petition and of the incidental expenses in connection therewith and of the proceedings therefor.

(2) An estimate of the annual revenues which can be expected to be derived from the operation of the proposed parking

places, and of the annual expenses of operating and maintaining said parking places exclusive of principal and interest on the bonds to be issued hereunder.

(3) An estimate of the annual net revenues which can be expected to be derived from the parking meters, the revenues from which are by the petition proposed to be pledged to pay the principal and interest of said bonds.

(4) The total assessed value of the real property within the proposed district as shown on the last equalized assessment roll.

The provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to proceedings under this act.

Resolution

SEC. 9. Following the filing of said report with the legislative body, it may adopt a resolution declaring its intention to form said parking district and to issue bonds in the amount and for the purposes stated in said resolution. The resolution shall contain substantially the following:

(1) The name of the proposed district;

(2) A description of the boundaries thereof; this description may be general only and may refer to a map on file in the office of the clerk of the legislative body, which map shall show the boundaries of the proposed district and shall govern for all details thereof;

(3) A general description of the acquisitions and improvements proposed by the petition; this description may be in general terms and may refer to a map, plan or sketch on file in the office of said clerk for a further description of what is proposed to be done;

(4) The estimates of costs, expenses and revenues, and the assessed value of real property in the proposed district, as set forth in the report;

(5) The amount proposed to be contributed by the city toward the proposed acquisitions and improvements;

(6) An estimate of the amount of the bonds proposed to be issued, the maximum number of years said bonds are to run, and the maximum rate of interest to be payable thereon, not in excess of six percent (6%) per annum;

(7) The limits, as stated in the petition, as to time and rate upon ad valorem assessments, if any, which may be levied upon taxable real property in the district to pay principal and interest of said bonds.

(8) A general statement of the public ways within the district on which the city will, as proposed by the petition, install and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to the payment of the principal and interest of said bonds, and the period of time (measured from the date of said bonds) for which the city will agree to maintain said meters. If it is proposed that only a portion of said net revenues be so allocated and pledged, such portion shall be generally defined.

(9) The date, hour and place for the hearing on the proposed formation of such district and the time within which and the place where protests may be filed.

(10) The resolution shall make reference to the report on file in the office of the clerk.

Publication

SEC. 10. Said resolution shall be published by the clerk of the legislative body twice in a newspaper of general circulation printed and published in said city. If no such newspaper is published therein, said resolution shall be posted in three public places within the proposed district. The first publication or the posting of said resolution shall be at least thirty (30) days prior to the date of hearing.

Not less than twenty-five (25) days prior to the date of hearing, the clerk of the legislative body shall mail a copy of the resolution, postage prepaid, to each person to whom real property in the district is assessed as shown on the last equalized assessment roll, at his address as shown on said roll, and to each person, whether owner in fee or having a lien upon or legal or equitable interest in any real property within said district, whose name and address and a designation of the real property in which he is interested, is on file in the office of said clerk. No error, failure or mistake in the mailing of such copy or any thereof and no failure of any person to receive the same shall in any way affect the validity of any proceedings hereunder.

Protest

SEC. 11. Any person interested and objecting to the formation of said parking district or to the extent thereof or to the inclusion of his property therein or to the acquisitions and improvements as proposed, or to the issuance of bonds or to the doing of any other things as proposed in the resolution of intention may file a written protest with the clerk of the legislative body at any time prior to the time fixed for the hearing. At the hearing the clerk of the legislative body shall present to it all protests filed with him and the legislative body shall hear and determine the same. Its decision thereon shall be final and conclusive; provided, however, that if the owners of taxable real property in said district having an assessed valuation of more than one-half of the assessed valuation of all taxable real property in said district at the conclusion of the hearing have on file and not withdrawn their written protests objecting to the formation of said district, the legislative body shall make a finding that such majority protest has been filed, and upon such finding being made the proceeding shall be deemed abandoned and no further proceedings shall be had or taken pursuant to said petition. Any protest filed may be abandoned and withdrawn by written notice of such abandonment or withdrawal signed by the person who signed the protest and filed with the clerk of the legislative body at any time prior to the conclusion of the hearing. If a proceeding is terminated by the filing of a majority protest no new petition for the same purpose may be filed until the expiration of one year from the date of the finding of the legislative body that such majority protest was filed. However, a new petition for a modified project may be filed at

any time. Said hearing may be continued from time to time at the discretion of the legislative body. At the conclusion of said hearing the legislative body may make such changes in the boundaries of the proposed district as it shall find to be proper and advisable and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment be benefited by the proposed project, and no territory shall be excluded from the proposed district which will in the judgment of said legislative body be benefited by the proposed project.

At said hearing, the legislative body may also increase, decrease, change, or otherwise modify the acquisitions or improvements to be made, but the legislative body shall not increase, decrease, change or otherwise modify said acquisitions or improvements without first procuring from the city engineer or other competent person a supplemental report showing the effect thereof upon the estimates and other data given in the original report

Change in boundaries

SEC. 12. The legislative body shall not make any change in the boundaries of the proposed district or in the acquisitions and improvements, except after notice of its intention so to do given by two insertions in the newspaper in which the resolution of intention was published and specifying a time for hearing objections to any such proposed change, which time shall be not less than twenty (20) days after the first publication of said notice. Written objections to any proposed change may be filed with the clerk of said legislative body by any interested person at any time prior to the hour set for hearing the same. Said legislative body shall hear and pass upon such objections at the time appointed or at any time to which the hearing thereof may be adjourned and its decision thereon shall be final and conclusive; provided, however, that if a majority protest is on file, as hereinbefore in this act provided, at the conclusion of the hearing, then upon the determination of said legislative body that such majority protest is on file the proceeding shall be forthwith abandoned.

Lack of protests

At the expiration of the time within which protests may be filed, if none be filed or if protests constituting less than a majority protest are filed and after hearing are denied, or at the expiration of the time within which objections to changes, in case any change be proposed as hereinbefore provided, may be filed, if none be filed or if such objections constituting less than a majority protest are filed and after hearing are denied as above provided, then said legislative body shall be deemed to have acquired jurisdiction to proceed further with the provisions of this act.

Ordinance

When the legislative body has so acquired jurisdiction to proceed further, it may adopt an ordinance declaring that said parking district is formed and describing the acquisitions and improvements to be made.

Acquisition of property

SEC. 13. Before issuing any bonds the legislative body shall contract for the purchase of the land, property and rights

of way to be acquired, or, if all or any portion thereof cannot be acquired by contract at a price which the legislative body deems satisfactory, the legislative body shall cause an action or actions to be brought in the name of the city for the condemnation thereof and, before issuing any bonds, shall obtain an interlocutory judgment in such action or actions. If after the amount to be paid for the land, property and rights of way to be acquired has been fixed by contract or by an interlocutory judgment or judgments, the legislative body finds and determines that it will not be feasible to issue bonds in an amount necessary to make the acquisitions and improvements described in the ordinance declaring the district formed and the incidental expenses in connection therewith and the proceedings therefor, after deducting any amount to be contributed by the city for such purposes, the legislative body may eliminate, change or otherwise modify any of the proposed acquisitions or improvements, after notice and hearing as provided in Section 12 hereof, and the majority protest provisions of said Section 12 shall apply.

Issuance of bonds

SEC. 14. When the amount to be paid for the land, property and rights of way finally determined to be acquired has been fixed by contract or by an interlocutory judgment or judgments, the legislative body may by ordinance, resolution or indenture provide for the issuance of bonds of the district in an amount not exceeding the amount necessary to make the proposed acquisitions and improvements and to pay the incidental expenses in connection therewith and the proceedings therefor, less any amount to be contributed by the city for such purposes.

Form, etc

The legislative body shall describe the form of bonds and of the interest coupons to be attached thereto. Not less than one-twentieth part of the whole amount of such bonds shall be payable each and every year on a day and date and at a place to be fixed by the legislative body and designated in such bonds, together with interest on all sums unpaid on such date until the whole of said bonds shall have been paid; provided, however, that said legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of said bonds not more than three years from the date of issue such bonds shall bear. The legislative body may make such bonds or any portion thereof callable for redemption before maturity at such time or times, at such price or prices and upon such other terms and conditions as it may determine. Any bond callable before maturity shall contain a recital to that effect. The bonds shall be issued in the denomination of one thousand dollars ($1,000) each, shall be payable on the day and at the place fixed in such bonds, with interest at the rate specified in such bonds, which rate shall not be in excess of the maximum rate stated in the resolution of intention, and shall be paid semiannually except the interest for the first year may be paid at the end of said year. Said bonds shall be signed by the chief

executive of the city or by such other officer thereof as the legislative body shall in said ordinance authorize and designate for that purpose and also signed by the treasurer thereof and countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer. All of the signatures on said bonds and on the interest coupons thereof may be made by printed, lithographed or engraved facsimile except the countersignature of the clerk which shall be manually affixed. In case any such officer 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, the same as if such officer had remained in office until the delivery of the bonds.

Each of said bonds shall state in substance that the bond together with the interest thereon is payable solely from the net revenues from the operation of the parking place or places acquired and improved with the proceeds thereof, the net revenues (or a portion thereof) from parking meters on certain public ways within the district (if such be the case), and, to the extent such revenues are insufficient, from a limited (stating the limits) ad valorem assessment to be levied upon taxable real property in the district (if such be the case), and that neither the city nor any officer thereof is to be held otherwise liable for its principal or interest.

Additional provisions

SEC. 15. The ordinance, resolution or indenture providing for the issuance of said bonds may also provide:

(1) For the maintenance and operation of the parking facilities, for the establishment of a special fund or funds into which all revenues derived from the operation of the parking facilities shall be placed, for the payment from said fund or funds of the expenses of operating and maintaining said parking places, and for the allocation and pledge of the remaining revenues to the payment of said bonds and the interest thereon.

(2) For the installation of parking meters on the public ways within the district as provided in the resolution of intention, to the extent such meters have not already been installed, for the maintenance of meters on such public ways for the period of time specified in the resolution of intention, for the establishment of a special fund or funds into which the net revenues (or portion thereof as specified in the resolution of intention) shall be paid, and for the allocation and pledge of said net revenues, or said portion thereof, to the payment of said bonds and the interest thereon.

(3) For the levy each year of an ad valorem assessment on all taxable real property in the district, to the extent to which revenues from the parking lots and from parking meters pledged to the payment of principal and interest of said bonds have been or are expected to be insufficient in any year to pay such principal and interest. The rate of ad valorem assessment shall be fixed by the legislative body each year in accordance with such provision. Such ad valorem assessment shall not exceed the

limits stated in the resolution of intention. Such assessment shall be levied, collected and enforced in the same manner, at the same times, and with the same penalties and interest, as in the case of taxes levied for the city.

(4) For interest and redemption funds, sinking funds, reserve funds, and any other funds necessary or convenient for use in the payment of said bonds and the interest thereon.

Said ordinance, resolution or indenture may also contain any other provisions necessary or desirable to carry out the intent and purpose of, not inconsistent with the provisions of, this act.

The provisions of said ordinance, resolution, or indenture shall constitute covenants for the benefit and protection of the holders of said bonds, and any such holder may enforce the same by mandamus or other appropriate remedy. Any provision of said ordinance, resolution or indenture, except a provision as to the amount or time of payment of principal or interest on the bonds, may be later eliminated or modified by the legislative body, if the holders of not less than sixty percent (60%) of the outstanding bonds have agreed in writing to such elimination or modification.

Sale of bonds

SEC. 16. The legislative body may issue and sell the bonds of said district at not less than the par value thereof plus accrued interest. Before selling the bonds, or any part thereof, the legislative body shall give notice inviting sealed bids in such manner as the legislative body may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the legislative body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the legislative body may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The proceeds of the sale of such bonds shall be placed in the treasury of the city to the credit of the proper district fund and shall be applied exclusively to the objects and purposes mentioned in the ordinance establishing the district (or to said objects and purposes as the same may be modified as provided in Section 13 hereof) and the payment of the incidental expenses in connection therewith. Said proceeds may be used to pay the interest on said bonds during the period of construction of any parking place and for a period of six months thereafter; provided, that the total period during which interest is paid from such proceeds shall not exceed three years from the date of said bonds. Said bonds and the interest coupons thereof shall be negotiable instruments.

Proceeds

SEC. 17. With the proceeds from the sale of said bonds and with any moneys which the city has agreed to contribute for the purpose, the city by and through its proper officers shall make the acquisitions and improvements finally determined upon. All contracts for the construction of any improvements shall be let and entered into as other contracts are let and entered into by the city. When said acquisitions and improvements have been accomplished any unexpended bond proceeds shall

be placed in the fund for the payment of principal and interest of the outstanding bonds and shall be used for no other purpose.

Same

SEC. 18. After the bonds and all interest thereon have been fully paid, or prior thereto to the extent permitted by express provision of the ordinance, resolution or indenture providing for the issuance of said bonds, all revenues derived from the operation of the parking facilities and not required for the operation and maintenance of such facilities, may be used for the further improvement of such facilities for the benefit of the district, as the parking place commission of the district may decide. Any excess revenues shall be paid into the general fund of the city or the fees and charges reduced so that there will be no excessive revenue.

Parking place commission

SEC. 19. Whenever a district is created under this act, immediately upon the acquisition of the parking places, a parking place commission shall be appointed which shall have the powers, jurisdiction and authority granted in this act. In the discretion of the legislative body, such commission may be appointed at any time prior to such acquisition and after the adoption of the ordinance declaring the district formed. The commission shall consist of three members. Each commissioner shall be a resident and qualified elector of the city. Members of the commission shall serve without compensation, unless the legislative body shall determine that compensation shall be paid and shall fix such compensation to be paid from funds of the city. Members of the commission shall be appointed by the chief executive officer of the city, subject to confirmation by the legislative body thereof.

The commissioners shall hold office for the term of three years from the date of their appointment and qualification and until their successors are appointed and qualified, except that members of the first commission appointed shall classify themselves by lot so that one member holds office for one year, one for two years, and one for three years, and, in each instance, until a successor has been appointed and qualified; provided, however, that by a four-fifths vote a commissioner may be removed by the legislative body at any time.

Qualifications of commissioners

Commissioners shall be persons of business experience and ability to the end that the affairs of the district shall be administered in the interests of the district. Whenever there is filed with the legislative body, a petition signed by the owners owning real property in the district of an assessed value of more than fifty percent (50%) of the total assessed value of the taxable real property in said district, as shown by the last equalized assessment roll, requesting the removal of a commissioner, the legislative body shall immediately remove such commissioner, and a new commissioner shall be appointed in the same manner as for other appointments. The commissioner so removed shall be ineligible to hold office as a commissioner of the district for a period of one year following his removal.

Title, etc., to property

SEC. 20. All property acquired under the provisions of this act shall be condemned or acquired in the name of the city

and title to such property shall be in the city but shall be held by the city subject to the provisions of the act, and the parking places acquired shall be under the possession, jurisdiction and control of the commission of the district for which the same were acquired. The commission shall operate, manage and control said parking places and shall make and enforce all necessary rules and regulations for the use thereof. It shall fix, regulate and collect rentals, fees or other charges for the parking of vehicles therein and may provide different rates for different classes of customers or users.

Preferential rates, etc.

The providing of adequate public parking places in cities largely depends upon the formation of parking districts. Such districts will be created and will be successful only if so operated as to serve the property within the district adequately. It is the intent of this act that the owners of real property in a parking district which is created hereunder to provide parking places to solve the parking problems of the district may receive preferential rates, charges, or rentals for themselves, their tenants and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit.

Restricted use

All parking places acquired and constructed under this act shall be public parking places; but nevertheless the commission having jurisdiction over the parking places for any district may restrict or partially restrict the use of such parking places to owners and tenants, and classes of persons designated by such owners or tenants of real property in the parking district and may establish rates or charges or rentals for the owners and tenants of such properties and classes of persons designated by such owners or tenants which differ from and are less than the rates, charges, or rentals charged other persons.

Rentals, etc.

Such rentals, fees and charges shall be fixed after public hearing following such notice as the commission may prescribe. It shall appoint such employees, said employees to be selected as other city employees are selected, as it deems necessary and shall have complete charge, supervision and control of all parking places acquired for the district.

The legislative body may grant such employees the same rights, privileges and benefits granted to other city employees.

So far as feasible, the commission shall fix such rentals, fees or charges as will produce sufficient revenue, when added to the expected revenues from parking meters pledged to the payment of the bonds of the district, to pay the principal and interest of said bonds as the same fall due.

The commission shall fix the rentals, fees, or charges so that they will not produce revenues, when added to the expected revenues from parking meters pledged to the payment of bonds of the district, in excess of the amount required to pay the costs of operation and the principal and interest of the bonds as they fall due.

The commission shall abide by all covenants made by the legislative body in the issuance of the bonds.

Lease of parking places

SEC. 21. The commission in the exercise of its power to operate, manage and control parking places as provided in Section 20 hereof, shall have the power to lease any or all of said parking places to any person, firm, or corporation for the sole purpose of the operation by said person, firm, or corporation of public parking facilities thereon, or may make a contract with any person, firm, or corporation for such purpose. The consideration to be paid for any such lease or under any such contract by the operator may be a fixed sum or a percentage of gross rentals, fees or charges collected by the operator, or any other consideration. The maximum rentals, fees and charges to be collected by the operator shall be fixed by the commission after public hearing as provided in Section 20 hereof and shall be recited in the lease or contract, and no higher rentals, fees or charges shall be collected by the operator without amendment of said lease or contract agreed to by the board after like public hearing. Neither the commission nor any such operator shall conduct on any parking place any business other than that of the operation of public parking facilities. Any such lease or contract may provide that the use of the parking places shall be restricted or partially restricted to owners and tenants, and classes of persons designated by such owners or tenants, of real property in the district, and may provide for maximum rates or charges or rentals for such owners or tenants and classes of persons designated by such owners or tenants which differ from and are less than the maximum rates, charges or rentals charged other persons, all as provided in Section 20 hereof.

To provide revenues for the district, the legislative body conducting the proceeding for the formation of the district, at any time prior to the formation of the district, or after the formation of the district and prior to the appointment of a commission therefor, may enter into a contract or lease with any owner or tenant of property in the district under which said owner or tenant, for a specified rental or other consideration and for a specified period not exceeding 10 years, reserves a reasonable proportion or number of parking spaces in a parking place of the district, for the use of the owner of such property, the tenant or tenants thereof, the employees of any such owner or tenant performing services on such property, and the customers of, or other classes of persons designated by, such owner or tenant and entering said property as invitees or otherwise. After the appointment of a commission for the district such commission shall have the power to make such contracts or leases.

Parking meters

SEC. 22. Notwithstanding any agreement made pursuant to the provisions of this act, as a covenant to bondholders or otherwise, to maintain parking meters on specified public ways in the district, parking meters need not be maintained:

(1) On any public way which has become a "freeway" or a "state highway" as said terms are defined in Sections 23.5 and 24 of the Streets and Highways Code.

(2) At any time and so long as (a) the net revenues from the parking places of the district during each of the two next previous fiscal years and available for the payment of principal and interest on the bonds of the district equaled or exceeded one and one-half times the principal and interest which has or will come due during the current fiscal year, and (b) the money in the fund to pay principal and interest on said bonds equals or exceeds all amounts coming due on principal and interest during the next following 12 months.

(3) At any time and so long as the money in the fund to pay principal and interest on the bonds of the district equals the total of the outstanding bonds and interest thereon to maturity.

(4) At any time after the bonds of said district and the interest thereon have been fully paid.

(5) On a public way or portion thereof, if the holders of not less than sixty percent (60%) of the outstanding bonds have agreed in writing that the maintenance of parking meters on said public way or portion thereof may be discontinued.

Any agreement to maintain parking meters on a public way shall not affect the right of a city, acting by virtue of its police power, to control, regulate or prohibit the parking of vehicles on any public way or portion thereof to the extent necessary to protect the public safety.

Application

SEC. 23. This act shall not affect any other act or law relating to the same or a similar subject but is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act, its provisions and none other shall apply. The provisions of this act shall be liberally construed to effect the purposes thereof. No territory included within a parking district formed under the provisions of this act shall be included within any other such parking district or any vehicle parking district formed under any law of this State.

Same

SEC. 24. No proceedings taken or bond issued under this act shall be held invalid for failure to comply with the provisions hereof; provided, the acts done and proceedings taken are not invalid under the provisions of the State or Federal Constitutions. Any procedure not herein expressly set forth but deemed necessary or convenient to carry out any of the purposes of this act is hereby authorized. This act shall be liberally construed.

Severability clause

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

Modification of procedure

SEC. 25. Any charter city using the provisions of this act may by ordinance modify the procedure specified by this act; provided, that such modified procedure is not invalid under the State or Federal Constitutions or the charter of said city.

Dissolution, etc., of commission

SEC. 26. If the petition for the formation of a district under this act expressly so authorizes, the legislative body may, at any time and following a hearing after such notice thereof as it may prescribe, determine that no parking place commission shall be appointed for said district, or if such commission has already been appointed, may dissolve said commission. In either event, the legislative body shall thereafter have all powers, jurisdiction and authority granted herein to, and all duties herein imposed upon, the commission; provided, that the legislative body at any time thereafter may order that a commission shall be appointed or reappointed and thereafter have such powers, jurisdiction, authority and duties.

Dissolution of district

SEC. 27. After the bonds and all other indebtedness of the district have been fully retired, the legislative body may provide for the dissolution of the district and the operation of the parking places by the municipality as municipal parking places.

CHAPTER 1708

An act to revise and consolidate the law relating to the receipt, custody, investment, management, disposal, and escheat of various classes of unclaimed property to the possession of which the State is, or may become, entitled, by repealing Titles 8 and 8A of Part 3 of the Code of Civil Procedure, Sections 3163, 3164, 3165, 3166, and 3167 of the Banking Code, Sections 3163, 3164, 3165, 3166, and 3167 of the Financial Code, and an act entitled "An act providing for the dissolution and winding up of savings banks, trust companies, and banks of deposit, and providing for the disposition of all funds deposited therein and not claimed within five years after such banks have ceased to do business, or after the commencement of proceedings to dissolve," approved March 31, 1891 (Chapter 190, Statutes of 1891), amending and renumbering Section 3168 of the Banking Code, Section 3168 of the Financial Code, and the headings of Titles 9 and 10 of Part 3 of the Code of Civil Procedure, amending Section 13470 of the Government Code, Sections 870, 3121, 3150, and 3162 of the Banking Code, Sections 870, 3121, 3150, 3162, and 9073 of the Financial Code, Section 13.16c of the Building and Loan Association Act, Sections 231, 739, 1064, and 1148 of the Probate Code, Section 5061 of the Penal Code, and Sections 166 and 1015 of the Welfare and Institutions Code, and adding Title 10 to Part 3 of the Code of Civil Procedure, Sections 5062, 5063, 5064, 5065, and 5066 to the

Stats. 1931 p. 483 amended

Penal Code, and Sections 166.1, 166.2, 166.3, 166.4, 166.5, 1016, 1017, 1018, 1019, and 1020 to the Welfare and Institutions Code, and making an appropriation.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Title 8 of Part 3 of the Code of Civil Procedure is hereby repealed.

Repeal

SEC. 2. Title 8A of Part 3 of the Code of Civil Procedure is hereby repealed.

SEC. 3. The heading of Title 9 of Part 3 of the Code of Civil Procedure is amended and renumbered to read:

TITLE 8. CHANGE OF NAMES

SEC. 4. The heading of Title 10 of Part 3 of the Code of Civil Procedure is amended and renumbered to read:

TITLE 9. ARBITRATION

SEC. 5. Title 10 is added to Part 3 of the Code of Civil Procedure, to read:

TITLE 10. UNCLAIMED PROPERTY

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

Definitions

1300. For the purposes of this title, the following definitions shall apply:

(a) "Property," unless specifically qualified, includes all classes of property, real, personal and mixed.

(b) "Unclaimed property," unless specifically qualified, means all property which is unclaimed, abandoned, presumptively abandoned, escheated, permanently escheated, or distributed to the State, or which, under any provision of law, will become unclaimed, abandoned, presumptively abandoned, escheated, permanently escheated, or distributed to the State, or to the possession of which the State is or will become entitled, if not claimed by the person or persons entitled thereto within the time allowed by law, whether or not there has been a judicial determination that such property is unclaimed, abandoned, presumptively abandoned, escheated, permanently escheated, or distributed to the State; but such term does not include property which is subject to escheat under the provisions of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein,

requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by electors November 2, 1920, as amended.

(c) "Escheated," unless specifically qualified, means "title to which has vested in the State," whether by judicial determination or by operation of law, subject, however, to the right of claimants to appear and claim the escheated property or any portion thereof, as provided in this title.

(d) "Permanently escheated" means "title to which has vested absolutely in the State" pursuant to judicial determination, pursuant to a proceeding of escheat as provided by Chapter 5, or pursuant to operation of law, after the period has elapsed during which claimants may appear and claim the property, or any portion thereof, as provided in this title.

(e) "Controller" means the State Controller, and "Treasurer" means the State Treasurer.

Reference

1301. For the purposes of this title, unless otherwise specified, (1) a reference to a section refers to a section of this code; (2) a reference to an article refers to an article of the chapter of this title in which such reference is made; and (3) a reference to a chapter refers to a chapter of this title.

Article 2. Purpose and Scope

Purpose

1305. It is the purpose of this title to provide for the receipt, custody, investment, management, disposal, escheat and permanent escheat of various classes of unclaimed property, to the possession of which the State is, or may become, entitled under the provisions of this title or under other provision of law.

Scope

1306. The provisions of this title do not apply to money or other property held by the State or any officer thereof as trustee or bailee under the terms of an express contract to which the State or any officer thereof is a party.

Chapter 2. Receipt and Expenditure of Funds

Article 1. Deposit of Unclaimed Property

Transmittal of unclaimed property

1310. Whenever, under the provisions of this title or under any other provision of law, unclaimed money or other unclaimed property is payable into the State Treasury, the person responsible for making such payment shall, if it is cash, transmit it to the Treasurer, and if it is personal property other than cash, transmit it to the Controller for deposit in the State Treasury.

Notice on transmittal

1311. Any person transmitting money or other property to the Treasurer or Controller under the provisions of this title shall, at the time of such transmittal, furnish written notice thereof to the Controller, setting forth the amount of cash transmitted, the nature and description of the personal property

other than cash transmitted, the name and last known address of the person entitled to such property or for whose benefit such property is transmitted, a reference to the specific statutory provision under which such property is transmitted, and if such property represents the proceeds of an estate of a decedent, or an unclaimed amount payable pursuant to an allowed and approved claim against such an estate, the name of the decedent, the county and court in which probate or escheat proceedings, if any, were held, the number of the action, if any; and, in the case of all classes of property so transmitted, such other identifying information available from the records of the person making such transmittal, as the Controller may require.

Certified copy of court order

1312. Whenever money or other property is paid to the State or any officer or employee thereof under the provisions of this title, and such money or other property has been covered by a decree of distribution in a decedent's estate, or by an order or decree of a court ordering such payment or adjudging that title to such property has vested in the State, the person transmitting such money or other property to the Treasurer or Controller shall, at the time of such transmittal, furnish to the Controller a certified copy of each court order or decree, and of each court order correcting or amending the same, covering such money or other property.

Unclaimed Property Fund

1313. A fund is hereby created in the State Treasury, to be known as the Unclaimed Property Fund.

All money, except permanently escheated money, paid to the State or any officer or employee thereof for deposit in the State Treasury under the provisions of this title shall, on order of the Controller, be deposited in the Unclaimed Property Fund.

All property other than money, except permanently escheated property, received by, or coming into the possession of, the State or any officer or employee thereof under the provisions of this title shall, on order of the Controller, be deposited in the State Treasury to be held in the name of the Unclaimed Property Fund.

Separate account

1314. The Controller shall maintain a separate account in the Unclaimed Property Fund covering the accountability for money deposited in the Unclaimed Property Fund under each article of Chapter 6. All real and personal property distributed to the State or delivered into the possession of the State or any officer or employee thereof under the provisions of this title, shall be accounted for by the Controller in the name of the account in the Unclaimed Property Fund to which the proceeds thereof, if converted into cash, would be credited under the provisions of this title. All personal property deposited in the State Treasury under the provisions of this title shall be held by the Treasurer in the name of the same account in the Unclaimed Property Fund for which such property is accounted by the Controller, as herein provided.

Recordation

1315. If unclaimed money or other property in an estate of a deceased person, or if any unclaimed amount payable pursuant to an allowed and approved claim against such an estate,

is received by the State or any officer or employee thereof and deposited in the State Treasury under the provisions of this title, it shall be recorded on the books of the Controller to the credit, or in the name, of such estate, for the benefit of the person entitled thereto or his successors in interest.

Same

1316. If unclaimed money or other property is received by the State or any officer or employee thereof and deposited in the State Treasury under the provisions of this title for the benefit of known heirs, devisees, legatees or creditors of an estate of a deceased person, or for the benefit of known claimants, payees, or other persons entitled thereto, it shall be recorded on the books of the Controller to the credit, or in the name, of such heirs, devisees, legatees, creditors, claimants, payees, or other persons entitled thereto.

Transfer of canceled warrant

1317. The amount of each canceled warrant credited to the Unclaimed Property Fund under the provisions of Section 17072 of the Government Code shall, on order of the Controller, be transferred to the State School Fund, to be expended for the support of the common schools of the State.

Expenditure of income

1318. All interest received and other income derived from the investment of moneys in the Unclaimed Property Fund or the School Land Fund, as provided in Section 13470 or 13471 of the Government Code, shall, on order of the Controller, be deposited in the State School Fund, to be expended for the support of the common schools of the State.

Deposit of income

1319. Except as otherwise provided in Section 1318, all rents, interest, dividends or other income or increment derived from real or personal property received and held by the State in the name of the Unclaimed Property Fund under the provisions of this title shall, on order of the Controller, be deposited in the Unclaimed Property Fund, and shall be credited by the Controller to the account maintained by him, in the name of which such property is accounted, as provided in Chapter 2. Any moneys deposited in the Unclaimed Property Fund under the provisions of this section shall be held for the benefit of the person or persons entitled to the property from which such moneys were derived, or their successors in interest; and shall be subject to claim in the same manner as such property may be claimed; but the period in which such moneys shall be available for claim by and payment to the person or persons entitled thereto shall not extend beyond the period in which the property from which such moneys were derived is available for claim and payment under the provisions of this title.

Deposit of income from permanently escheated property

1320. Except as otherwise provided in Section 1318, all rents, interest, dividends or other income or increment derived from real or personal property that has permanently escheated to the State, and that is held in the name of the School Land Fund under the provisions of this title, shall, on order of the Controller, be deposited in the School Land Fund.

All moneys deposited in the School Land Fund under the provisions of this section shall be deemed to have permanently

escheated to the State as of the date of permanent escheat of the property from which such moneys were derived.

Article 2. Appropriation

Appropriation Controller

1325. All money in the Unclaimed Property Fund is hereby continuously appropriated to the Controller, without regard to fiscal years, for expenditure for the following purposes:

(a) For refund, to the person making such deposit, of amounts, including overpayments, deposited in error in such fund;

(b) For payment of the cost of title searches and appraisals incurred by the Controller covering real or personal property held in the name of an account in such fund;

(c) For payment of the cost incurred by the Controller covering indemnity bonds required in order to have duplicate certificates of ownership issued in order to replace lost certificates, covering personal property held in the name of an account in such fund;

(d) For payment of amounts required to be paid by the State as trustee, bailee, or successor in interest to the preceding owner, pursuant to the provisions of trust deeds, mortgages, or other liens on real property held in the name of an account in such fund;

(e) For payment of costs of official advertising in connection with the sale of real or personal property held in the name of an account in such fund;

(f) For transfer to the General Fund, on order of the Controller, of the amount of any inheritance taxes determined to be due and payable to the State by any claimant, with respect to any real or personal property, including cash, claimed by him under the provisions of this title;

(g) For payment and delivery to claimants, of money or other property held to the credit, or in the name, of an account in such fund, under the provisions of this title;

(h) For transfer to the School Land Fund, on order of the Controller, of any money or other property in the Unclaimed Property Fund which becomes permanently escheated to the State under the provisions of this title.

Approval of incurred obligation

1326. Any obligation incurred or expenditure made by the Controller pursuant to subdivisions (b) to (d), inclusive, of Section 1325 of this code, which is in excess of two hundred dollars ($200), shall be subject to the approval of the State Board of Control prior to incurring such obligation. Any expenditure made by the Controller pursuant to the provisions of said section shall be charged to any balance credited to the particular account in the Unclaimed Property Fund, in the name of which is held the real or personal property for which the expenditure is made; and if sufficient balance is not available in such account, the expenditure may be made from any appropriation from the General Fund for the support of the

Controller, or, in the case of official advertising, from any appropriation available therefor, to be reimbursed from the proceeds of any subsequent sale of the property for which such expenditure is made.

CHAPTER 3. PAYMENT OF CLAIMS

Article 1. General

Actions prohibited

1335. When payment or delivery of money or other property has been made to any claimant under the provisions of this chapter, no suit shall thereafter be maintained by any other claimant against the State or any officer thereof for or on account of such property.

Nonresident aliens

1336. The right of nonresident aliens to claim unclaimed money or other property under the provisions of this title is subject to the provisions of Section 1026 of the Probate Code.

Article 2. Refund of Erroneous Receipts

Erroneously delivered property

1345. Whenever any person has erroneously delivered any unclaimed money or other unclaimed property to the State or any officer or employee thereof, and such money or other property is deposited in the Unclaimed Property Fund or is held by the Controller or Treasurer in the name of any account in such fund pursuant to the provisions of this title, such money or other property delivered in error may be refunded or returned to such person on order of the Controller, with the approval of the State Board of Control.

Same

1346. Whenever any person has erroneously delivered any unclaimed money or other unclaimed property to the State or any officer or employee thereof, and such money or other property is deposited in, or transferred to, the School Land Fund, or is held by the Controller or Treasurer in the name of such fund, pursuant to the provisions of this title, such money or other property delivered in error, if cash, shall on order of the Controller, be transferred from the School Land Fund to the Unclaimed Property Fund, and, if other than cash, the records of the Controller and Treasurer shall be adjusted to show that it is held in the name of the proper account in the Unclaimed Property Fund; and any such money or other property may be refunded or returned to such person on order of the Controller, with the approval of the State Board of Control.

Property erroneously held as permanently escheated

1347. Whenever money deposited in the Unclaimed Property Fund is transferred to the School Land Fund under the provisions of this title, and whenever the records of the Controller and Treasurer covering property other than money held in the name of any account in the Unclaimed Property Fund are adjusted to record such property as held in the name of the School Land Fund, as permanently escheated property under the provisions of this title, if it is subsequently determined that such money or other property is not, in fact, permanently escheated, such money or other property, if cash, shall, on order

of the Controller, be retransferred from the School Land Fund to the Unclaimed Property Fund; and, if the property is other than money, the records of the Controller and Treasurer shall be adjusted to show that it is held in the name and for the benefit of the proper account in the Unclaimed Property Fund.

Article 3. Claims

Right to claim

1350. Unless otherwise provided in this title, all money or other property deposited in the State Treasury under the provisions of this title may be claimed by the person entitled thereto at any time prior to the date on which such money or other property has become permanently escheated, as provided by this title.

Vesting of title in the State

1351. Unless otherwise provided in this title, all money or other property deposited in the State Treasury under the provisions of this title, if not claimed by the person entitled thereto within five years from the date of such deposit, shall become the property of the State by escheat; and upon request by the Controller, the Attorney General shall commence a proceeding under the provisions of Section 1410, or, in lieu of such proceeding, the Controller may take action as provided by Article 2 of Chapter 5, to have it adjudged, determined or established that the title to such money or other property has vested in the State.

Presentation of claim

1352. Whenever unclaimed money or other property is deposited in the State Treasury under the provisions of this title, and, except as otherwise provided by law, whenever there is in the possession of the State or its officers any money or other property which is held for third persons or the title to which has vested in the State subject to the rights of third persons, and the period during which it may be claimed by a person entitled thereto has not terminated, such period and person being prescribed by law, if the value of the money or other property to which the claimant is entitled is less than five hundred dollars ($500), any such person may present his claim for it to the Controller.

Form of claim

The claim shall be made in the form prescribed by the Controller, which shall require the showing of facts necessary to establish right or title to the money or other property in the claimant. With the approval of the State Board of Control and the Attorney General, the Controller may allow and order paid such claim.

Jurisdiction to determine title

1353. Except as otherwise provided in Sections 401 or 1352, whenever money or other property is deposited in the State Treasury under the provisions of this title, and, except as otherwise provided by law, when there is in the possession of the State or its officers any money or other property which is to be held for third persons or the title to which has vested in the State subject to the rights of third persons, the Superior Court of the County of Sacramento shall have full and exclusive jurisdiction to determine the title to such money or other property and all claims thereto.

If the period in which such money or other property may be claimed by a person entitled thereto has not terminated, such period and person being prescribed by law, any such person may file a petition in the Superior Court of the County of Sacramento, or as provided in Section 401, showing his claim or right to the money or other property or the proceeds thereof, or any portion thereof. Petition showing claim

The petition shall be verified, and, among other things, must, insofar as they are applicable or material to the matters at issue, state the facts required to be stated in a petition filed under Section 1355. If the money or other property at issue did not come into the possession of the State or its officers in connection with estates of deceased persons, the petition shall, in addition to the foregoing facts, state any material facts necessary to establish a prima facie right or title in the petitioner. Upon the filing of the petition, the same proceedings shall be had as are required in Section 1355. Form of petition

If, upon trial of the issues, the court is satisfied of the claimant's right or title to the money or other property claimed, it shall grant him a certificate to that effect under its seal Upon presentation of such certificate, the Controller shall draw his warrant on the Treasurer for the amount of money covered thereby; and if the certificate covers any property other than money, a certified copy of the certificate filed with the officer of the State having possession of the property shall serve as sufficient authority to the officer for the delivery of such property to the claimant. Certificate of right to property

1354. Whenever any claim is made or petition filed by the representative of an estate or other person, under the provisions of this chapter, or under any other provision of law, to recover money or other property deposited in the State Treasury or held by the State or any officer thereof to the credit, or in the name, of any account in the Unclaimed Property Fund, no recovery will be allowed unless it affirmatively appears that there are heirs or legatees who will receive such money or other property or creditors of the deceased owner of the claim whose claims are valid and are not barred, and whose claims were in existence prior to the death of such deceased owner of the claim. Where only creditors exist, and there are no heirs or legatees, said claims shall be allowed only to the extent necessary to pay such claims and the reasonable costs of administration of the estate, including court costs, administrator's fees and attorney's fees. This section shall apply to all claims which are pending at the time that this section goes into effect as well as to claims arising hereafter. Suit by representative of estate, etc

1355. Within five years after date of entry of judgment in any proceeding had under the provisions of Chapter 5, or within five years after completion of notice by publication in an escheat action taken under the provisions of Section 1415, a person not a party or privy to such proceeding or action, if not otherwise barred, may file a petition in the Superior Court of Petition by one not party to proceeding

the County of Sacramento, or as provided in Section 401, showing his claim or right to the money or other property, or the proceeds thereof.

Form of petition

Said petition shall be verified; and, in a proceeding for the recovery by the petitioner as heir, devisee, or legatee, or the successor in interest of an heir, devisee, or legatee, of money or other property received by the State from the estate of a decedent under the provisions of Article 1 of Chapter 6, such petition, among other things, must state:

The full name, and the place and date of birth of the decedent whose estate, or any part thereof, is claimed.

The full name of such decedent's father and the maiden name of his mother, the places and dates of their respective births, the place and date of their marriage, the full names of all children the issue of such marriage, with the date of birth of each, and the place and date of death of all children of such marriage who have died unmarried and without issue.

Whether or not such decedent was ever married, and if so, where, when and to whom.

How, when and where such marriage, if any, was dissolved.

Whether or not said decedent was ever remarried, and, if so, where, when and to whom.

The full names, and the dates and places of birth of all lineal descendants, if any, of said decedent; the dates and places of death of any thereof who died prior to the filing of such petition; and the places of residence of all who are then surviving, with the degree of relationship of each of such survivors to said decedent.

Whether any of the brothers or sisters of such decedent ever married, and, if so, where, when and whom.

The full names, and the places and dates of birth of all children who are the issue of the marriage of any such brother or sister of the decedent, and the date and place of death of all deceased nephews and nieces of said decedent.

Whether or not said decedent, if of foreign birth, ever became a naturalized citizen of the United States, and, if so, when, where, and by what court citizenship was conferred.

The post-office names of the cities, towns or other places, each in its appropriate connection, wherein are preserved the records of the births, marriages and deaths hereinbefore enumerated, and, if known, the title of the public official or other person having custody of such records.

The nationality of each of the heirs of the decedent.

The street address of each of the heirs of the decedent.

If, for any reason, the petitioner is unable to set forth any of the matters or things hereinbefore required, he shall clearly state such reason in his petition.

Service of petition on Attorney General

At least 20 days before the hearing of the petition, a copy of the petition and notice of hearing must be served on the Attorney General and on the Controller, and the Attorney General may answer the same at his discretion.

The court must thereupon try the issue as issues are tried in civil actions; and if it is determined that such person is entitled to the money or other property or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or if it has been sold and the proceeds thereof paid into the State Treasury, it must order the Controller to draw his warrant on the Treasurer for the payment of the same, but without interest or cost to the State. A copy of such order, under the seal of the court, shall be a sufficient voucher for drawing such warrant. Trial

All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within one year after their respective disabilities cease. Barred claims

CHAPTER 4. MANAGEMENT OF UNCLAIMED PROPERTY

Article 1. General Provisions

1360. For the purposes of this chapter, the following definitions shall apply: Definitions

(a) "Personal property" means personal property falling within the definition of "unclaimed property" under the provisions of this title;

(b) "Real property" means real property falling within the definition of "unclaimed property" under the provisions of this title;

(c) "Securities" includes stocks, bonds, notes, debentures, certificates of deposit, shares, and all other evidences of ownership or indebtedness, and all forms of chose in action and the interests in property represented thereby, falling within the definition of unclaimed property under the provisions of this title.

1361. The care and custody of all property delivered to the Treasurer or Controller pursuant to this title is assumed by the State for the benefit of those entitled thereto, and the State is responsible for the payment of all claims established thereto pursuant to law, less any lawful deductions. Responsibility of State

Article 2. Powers of the Controller

1365. In connection with all unclaimed property, the Controller has all of the powers necessary in order to safeguard and conserve the interests of all parties, including the State, having any vested or expectant interest in such unclaimed property. His powers include, but are not limited to, the authority to incur obligations the payment of which is authorized by the provisions of Section 1325. Powers of Controller

Article 3. Sale or Disposal of Property

Sale, etc., of property

1370. The Controller, with the prior approval of the State Board of Control, may sell or lease personal property at any time, and in any manner, and may execute such leases on behalf and in the name of the State of California.

Sale, etc., of securities etc

1371. The Controller, with the prior approval of the State Board of Control, may sell, cash, redeem, exchange, or otherwise dispose of any securities and all other classes of personal property, and may sell, cash, redeem, exchange, compromise, adjust, settle, or otherwise dispose of any accounts, debts, contractual rights, or other choses in action whenever, in his opinion, such action on his part is necessary or will tend to safeguard and conserve the interests of all parties, including the State, having any vested or expectant interest in the property.

Authentication of documents

1372. The Controller may sign, endorse, or otherwise authenticate, in the name and on behalf of the State, subscribing his name, as Controller, under such writing, any securities, bills of sale, documents, or other instruments required, under customary business practice, for the consummation of the transactions authorized by this chapter. For all purposes, such endorsement is conclusive and binding against the State and the heirs, devisees, legatees, or other claimants of the property covered by such endorsement.

Sale, etc., of real property

1373. The Controller may lease or sell any real property for cash at public auction to the highest bidder.

Notice of the lease or sale shall be published once a week for at least three weeks immediately preceding the date of the lease or sale. Publication shall be made in a newspaper published in the county in which the real property is situated, or in an adjoining county, if there is no newspaper published in such county. The notice is sufficient for all the purposes of such lease or sale if the real property is described in general terms. The cost of publication shall be a charge against the proceeds of the lease or sale, or, if the lease or sale is not consummated, such cost shall be a legal charge against the appropriation for official advertising.

Rejection of bids

1374. The Controller may reject any and all bids made at sales or public auctions held under the provisions of this chapter.

Sale, etc., of real property at private sale

1375. With the approval of the State Board of Control, any real property may be sold or leased by the Controller at private sale without published notice.

Execution of deed

1376. Upon receipt of the proceeds of any sale made pursuant to this chapter, the Controller shall execute, in the name and on behalf of the State of California, a deed covering the real property, and a bill of sale covering the personal property, sold. He may execute leases for real or personal property in the name and on behalf of the State of California.

Prohibition of creation of additional obligation

1377. The Controller shall not enter into any transaction which shall create or impose upon the owners, heirs, devisees, legatees, or other claimants of the property involved, any obligation under an executory contract, the performance of which

is not already an obligation of such owners, heirs, devisees, legatees, or other claimants prior to the consummation of the transactions authorized by this chapter.

Prohibition of suit against State

1378. No suit shall be maintained by any person against the State or any officer thereof, for or on account of any transaction entered into by the Controller pursuant to this chapter.

Destruction of property

1379. With the prior approval of the State Board of Control, the Controller may destroy or otherwise dispose of any personal property other than cash deposited in the State Treasury under the provisions of this title, if such property is determined by him to be valueless or of such little value that the costs of conducting a sale would probably exceed the amount that would be realized therefrom; and neither the Treasurer nor Controller shall be held to respond in damages at the suit of any person claiming loss by reason of such destruction or disposition.

Exemption

1380. All sales, exchanges, or other transactions entered into by the Controller pursuant to this chapter are exempt from the provisions of Section 11009 of the Government Code.

Article 4. Disposal of Proceeds of Sale or Lease

Delivery of proceeds of sale Other than permanently escheated property

1390. The Controller shall deliver to the Treasurer the proceeds of any sale or lease of property, other than permanently escheated property, made pursuant to this chapter; and, on order of the Controller, the amount thereof shall be deposited in the Unclaimed Property Fund. Such amount shall be credited by the Controller to the account in said fund, in the name of which the property sold or leased was held. All moneys deposited in the Unclaimed Property Fund under the provisions of this section shall be held for the benefit of those entitled to claim the property sold or leased; but the period in which such moneys shall be available for claim by and payment to the persons entitled thereto shall not extend beyond the period in which such property is available for claim and payment under the provisions of this title.

Permanently escheated property

1391. The Controller shall deliver to the Treasurer the proceeds of any sale or lease of permanently escheated property made pursuant to this chapter; and, on order of the Controller, the amount thereof shall be deposited in the School Land Fund. All moneys deposited in the School Land Fund under the provisions of this section shall be deemed to have permanently escheated to the State as of the date of permanent escheat of the property from which such moneys were derived.

Credit of proceeds

1392. The proceeds of any transaction by the Controller under the provisions of this chapter in connection with property received and held by the State under the provisions of Article 1 of Chapter 6 shall be credited by the Controller to the estate from which the property affected by the transaction was received; or, if such property has permanently escheated to the State, to the account in the School Land Fund to which the permanently escheated cash derived from estates of deceased persons is credited.

Same

1393. The proceeds of any transaction by the Controller under the provisions of this chapter, in connection with property received and held by the State under the provisions of Article 1 of Chapter 6, for the benefit of unlocated heirs, devisees or legatees of estates of deceased persons, shall be credited by the Controller to such heirs, devisees or legatees of the property affected by such transaction; or, if such property has permanently escheated to the State, to the account in the School Land Fund to which the permanently escheated cash derived from estates of deceased persons is credited.

Same

1394. The proceeds of any transaction by the Controller under the provisions of this chapter in connection with property received and held by the State under the provisions of this title, for the benefit of the persons entitled thereto, shall be credited by the Controller to such persons; or, if the property affected by such transaction has permanently escheated to the State, to the account in the School Land Fund in the name of which such permanently escheated property was recorded.

Chapter 5. Escheat Proceedings

Article 1. Escheat Proceedings on Unclaimed Property

Escheat proceedings on unclaimed property

1410. The Attorney General shall, from time to time, commence actions on behalf of the State for the purpose of having it adjudged that title to unclaimed property to which the State has become entitled by escheat has vested in the State, and for the purpose of having it adjudged that property has been actually abandoned or that the owner thereof has died and there is no person entitled thereto and the same has escheated and vested in the State. Such actions shall be brought in the Superior Court for the County of Sacramento; except that if any real property covered by the petition is not situated in the County of Sacramento, an action respecting the real property shall be commenced in the superior court for the county in which such real property or any part thereof is situated.

Procedure

Such action shall be commenced by filing a petition. The provisions of Section 1420, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1423, relating to appearances and pleadings, shall be applicable to any proceeding had under this section.

Upon the filing of the petition, the court shall make an order requiring all persons interested in the property or estate to appear on a day not more than 90 days nor less than 60 days from the date of the order and show cause, if any they have, why title to the property should not vest in the State of California.

Service of process in such actions shall be made by delivery of a copy of the order, together with a copy of the petition, to each person who claims title to any property covered by the petition and who is known to the Attorney General or the Control-

ler or who has theretofore filed in the office of the Controller a written request for such service of process, stating his name and address, including street number, or post-office box number, if any, and by publishing the order at least once a week for four consecutive weeks in a newspaper published in the county in which the action is filed, the last publication to be at least 10 days prior to the date set for the hearing.

Upon completion of the service of process, as provided in this section, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the property, and shall have full and complete jurisdiction to hear and determine the issues therein, and to render an appropriate judgment.

In addition to the foregoing publication of the order, a notice shall be given by publication, at least once a week for four successive weeks in a newspaper published in the county from which the property was forwarded to the State Treasury or is situated, of each estate and item of property from such county or situated in such county in excess of one thousand dollars ($1,000). Such notice shall state that a petition has been filed and an order made as hereinbefore provided and shall list each estate and item in excess of one thousand dollars ($1,000) and show the amount of the property, if money, or a description thereof, if other than money, and the name of the owner or claimant and his last known address Any omission or defect in the giving of such additional notice shall not affect the jurisdiction of the court.

Judgment

If it appears from the facts found or admitted that the State is entitled to the property or any part thereof mentioned in the petition, judgment shall be rendered that title to such property or part thereof, as the case may be, has vested in the State by escheat.

Costs

No costs of suit shall be allowed against any party in any action or proceeding had under this section.

Article 2. Escheat by Notice and Publication

Escheat by notice and publication

1415. Whenever any money or other personal property of a value of one thousand dollars ($1,000) or less has heretofore been, or is hereafter, deposited in the State Treasury and the same is subject to being declared escheated to the State or being declared vested in the State as abandoned property, or otherwise, under any laws of this State, in lieu of the procedure provided for elsewhere in this chapter, the Controller may, from time to time, prepare a return listing such property and give notice thereof in the manner hereinafter provided. Such return shall list each item and show (1) the amount of the property, if money, or a description thereof if other than money; (2) the name of the owner or claimant and his last known address, if known; (3) the name and address of the person delivering the property to the State Treasury, if known but where the property is received

from an estate, only the name of the decedent together with the name of the county and the number of the proceeding need be given; (4) the facts and circumstances by virtue of which it is claimed the property has escheated or vested in the State; and (5) such other information as the Controller may desire to include to assist in identifying each item.

Notice

When such return has been completed, the Controller shall prepare, date, and attach thereto a notice that the property listed in the return has escheated or vested in the State. Copies of such return and notice shall then be displayed and be open to public inspection during business hours in at least three offices of the Controller, one in the City of Sacramento, one in the City and County of San Francisco, and one in the City of Los Angeles.

The Controller shall then cause notice to be given by publication in one newspaper of general circulation published in the City of Sacramento, and also by publication in one newspaper of general circulation published in the City and County of San Francisco, and also by publication in one newspaper of general circulation published in the City of Los Angeles, at least once each calendar week for four consecutive weeks, that said return and notice that the property listed in the return has escheated or vested in the State has been prepared and is on display and open to public inspection during business hours, giving the addresses and room numbers of the locations where the same may be inspected.

In addition, the Controller shall cause notice to be given by publication, at least once each calendar week for four consecutive weeks, in one newspaper of general circulation published in the county from which the property was forwarded to the State Treasury, of each estate and item of property from such county in excess of three hundred dollars ($300). Such notice shall list each estate and item in excess of three hundred dollars ($300) and show (1) the amount of the property, if money, or a description thereof, if other than money; (2) the name of the owner or claimant and his last known address, if known; (3) such other information as the Controller may desire to include to assist in identifying each item.

Such publication shall be made within 90 days after attaching the notice to the return. Notice by such publication shall be deemed completed 120 days after attaching the notice to the return.

Within five years after such notice by publication is completed, any person entitled to such property may claim it in the manner provided in Chapter 3 of this title. All persons who fail to make such claim within the time limited are forever barred; saving, however, to infants and persons of unsound mind, the right to appear and claim such property at any time within the time limited, or within one year after their respective disabilities cease.

Article 3. Escheat Proceedings in Decedents' Estates

1420. At any time after two years after the death of any decedent who leaves property to which the State is entitled by reason of it having escheated to the State, the Attorney General shall commence a proceeding on behalf of the State in the Superior Court for the County of Sacramento to have it adjudged that the State is so entitled. Such action shall be commenced by filing a petition, which shall be treated as the information elsewhere referred to in this title. Escheat proceedings in decedents' estates

There shall be set forth in such petition a description of the property, the name of the person last possessed thereof, the name of the person, if any, claiming such property, or portion thereof, and the facts and circumstances by virtue of which it is claimed the property has escheated. Procedure

Upon the filing of such petition, the court must make an order requiring all persons interested in the estate to appear and show cause, if any they have, within 60 days from the date of the order, why such estate should not vest in the State. Such order must be published at least once a week for four consecutive weeks in a newspaper published in said County of Sacramento, the last publication to be at least 10 days prior to the date set for the hearing. Upon the completion of the publication of such order, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the said property, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate judgment thereon.

If proceedings for the administration of such estate have been instituted, a copy of such order must be filed with the papers in such estate in the office of the county clerk where such proceedings were had. If proceedings for the administration of any estate of any such decedent have been instituted and none of the persons entitled to succeed thereto have appeared and made claim to such property or any portion thereof, before the decree of final distribution therein is made, or before the commencement of such proceeding by the Attorney General, or if the court shall find that such persons as have appeared are not entitled to the property of such estate, or any portion thereof, the court shall, upon final settlement of the proceedings for the administration of such estate, after the payment of all debts and expenses of administration, distribute all moneys and other property remaining to the State of California.

In any proceeding brought by the Attorney General under this chapter, any two or more parties and any two or more causes of action may be joined in the same proceedings and in the same petition without being separately stated; and it shall be sufficient to allege in the petition that the decedent left no heirs to take the estate and the failure of heirs to appear and set up their claims in any such proceeding, or in any proceedings for the administration of such estate, shall be sufficient

proof upon which to base the judgment in any such proceeding or such decree of distribution.

Where proceedings for the administration of any estate have not been commenced within six months from the death of any decedent the Attorney General may direct the public administrator to commence the same forthwith.

Authority of Attorney General to sue etc

1421. Whenever the Attorney General is informed that any estate has escheated or is about to escheat to the State, or that the property involved in any action or special proceeding has escheated or is about to escheat to the State, he may commence an action on behalf of the State to determine its rights to said property or may intervene on its behalf in any action or special proceeding affecting any such estate and contest the rights of any claimant or claimants thereto. He may also apply to the superior court or any judge thereof for an order directing the county treasurer to deposit in the State Treasury all money, and to deliver to the Controller for deposit in the State Treasury, all other personal property, in his possession, which may become payable to the State Treasury pursuant to Section 1148 of the Probate Code.

Receiver

1422. The court, upon the information being filed, and upon application of the Attorney General, either before or after answer, upon notice to the party claiming the estate, if known, may, upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, or any part thereof, or to receive the rents, income and profits of the same until the title of such estate is finally settled.

Appearance of interested parties

1423. All persons named in the information may appear and answer, and may traverse or deny the facts stated therein at any time before the time for answering expires, and any other person claiming an interest in such estate may appear and be made a defendant, by motion for that purpose in open court within the time allowed for answering, and if no such person appears and answers within the time, then judgment must be rendered that the State is the owner of the property in such information claimed.

If any person appears and denies the title set up by the State, or traverses any material fact set forth in the information, the issue of fact must be tried as issues of fact are tried in civil actions.

Judgment

If, after the issues are tried, it appears from the facts found or admitted that the State has good title to the property in the information mentioned, or any part thereof, judgment must be rendered that the State is the owner and entitled to the possession thereof, and that it recover costs of suit against the defendants who have appeared and answered.

Sale of property

In any judgment rendered, or that has heretofore been rendered by any court escheating property to the State, on motion of the Attorney General, the court must make an order that such property, unless it consists of money, be sold by the sheriff of the county where it is situate, at public sale, for cash, after giving notice of the time and place of sale, as may be

prescribed by the court in such order; that the sheriff, within five days after such sale, make a report thereof to the court, and upon the hearing of such report, the court may examine the report and witnesses in relation thereto, and if the proceedings were unfair, or if the sum bid disproportionate to the value, or if it appears that a sum exceeding said bid, exclusive of the expense of a new sale, may be obtained, the court may vacate the sale, and direct another to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer greater in amount than that named in the report is made to the court in writing by a responsible person, the court may, in its discretion, accept such offer and confirm the sale to such person, or order a new sale

Confirmation of sale

If it appears to the court that the sale was legally made and fairly conducted and that the sum bid is not disproportionate to the value of the property sold, and that a sum exceeding such bid, exclusive of the expense of a new sale, cannot be obtained, or if the increased bid above mentioned is made and accepted by the court, the court must make an order confirming the sale and directing the sheriff, in the name of the State, to execute to the purchaser or purchasers a conveyance of said property sold; and said conveyance vests in the purchaser or purchasers all the right and title of the State therein.

Costs

The sheriff shall, out of the proceeds of such sale, pay the cost of said proceedings incurred on behalf of the State, including the expenses of making such sale, and also an attorney's fee, if additional counsel was employed in said proceedings, to be fixed by the court, not exceeding 10 percent on the amount of such sale; and the residue thereof shall be paid by said sheriff into the State Treasury.

Title vested in State of California

1424. If, in any proceeding had under this title, the judgment or decree distributes or vests unclaimed property or any portion thereof to or in the State of California, and the distributing or vesting clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such judgment or decree shall vest in the State of California both legal and equitable title to such property; saving, however, the right of claimants to appear and claim the property, as provided in this title.

Article 4. Permanent Escheat

Permanent escheat

1430. Upon the expiration of five years after the date of entry of judgment in any proceeding had under this chapter, or upon the expiration of five years after completion of notice by publication in an escheat action taken under the provisions of Section 1415, the property covered by such proceeding or action is permanently escheated to the State; saving however to infants, and persons of unsound mind, the right to appear and claim such property as provided in this title; but it shall be presumed that there are no such infants nor persons of unsound mind who are or will be entitled to claim such property

unless and until they appear and claim such property as provided in this title.

Transfer of money

1431. When money in the Unclaimed Property Fund has become permanently escheated to the State, the amount thereof shall, on order of the Controller, be transferred to the School Land Fund. When property other than money held by the Controller or Treasurer in the name of any account in the Unclaimed Property Fund has become permanently escheated to the State, the records of the Controller and Treasurer shall be adjusted to show that such property is held in the name of the School Land Fund.

CHAPTER 6. DISPOSITION OF UNCLAIMED PROPERTY

Article 1. Estates of Deceased Persons

Payment of unclaimed property to the State

1440. Whenever, under the provisions of this title or under any other provision of law, any unclaimed money or other property in an estate of a deceased person, or any unclaimed amount payable pursuant to an allowed and approved claim against such an estate, is paid to the State or any officer or employee thereof for deposit in the State Treasury, it shall be deemed to have been so paid under the provisions of this article.

Permanent escheat

1441. Money or other property distributed to the State under Sections 1027 or 1144 of the Probate Code, if not claimed within five years from the date of the decree making such distribution, as provided in Chapter 3, is permanently escheated to the State without further proceeding; saving, however, to infants and persons of unsound mind, the right to appear and file their claims within the time limited, or within one year after their respective disabilities cease.

Claim

1442. Except as otherwise provided in Section 1441, any money or other property paid into the State Treasury under the provisions of this article may be claimed by the person entitled thereto, as provided in Chapter 3.

Payment to State

1443. Notwithstanding any other provision of law, all money or other property paid or delivered to the State or any officer or employee thereof under the provisions of Sections 231, 739, 1027, 1144, or 1148 of the Probate Code, or under any other section of said code, or any amendment thereof adopted after the effective date of this section, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this title.

Payment to Treasurer, etc

1444. At the time of the next county settlement following the expiration of one year from the date of its deposit in the county treasury, all money or other property distributed in the administration of an estate of a deceased person and heretofore or hereafter deposited in the county treasury to the credit of known heirs, legatees, or devisees, and any money or other property remaining on deposit to the credit of an estate after

final distribution to such known heirs, legatees or devisees, shall be paid to the Treasurer or Controller as provided in Chapter 2.

Petition to pay State Treasury

1445. If money or other property is deposited in a county treasury, and if the deposits belong (1) to known decedents' estates on which letters testamentary or letters of administration have never been issued or (2) to known decedents' estates on which letters testamentary or letters of administration have been issued but no decree of distribution has been rendered, due to the absence of any parties interested in the estate or the failure of such parties diligently to protect their interests by taking reasonable steps for the purpose of securing a distribution of the estate, the county treasurer shall, within one year following the expiration of five years from the date of such deposit, file a petition in the superior court of the county in which the deposit is held, setting forth the fact that the money or other personal property has remained in the county treasury under such circumstances for such five-year period, and petitioning the court for an order directing him to pay such money or other property into the State Treasury.

At the time of the next county settlement following the date of the making of the order by the court, unless earlier payment is required by the Controller, the county treasurer shall pay such money or other property to the Treasurer or Controller as provided in Chapter 2.

Death while confined in state institution

1446. Notwithstanding any other provision of law, all unclaimed money or other property belonging to any person who dies while confined in any state institution subject to the jurisdiction of the Director of Corrections, which is paid or delivered to the State or any officer or employee thereof under the provisions of Section 5061 of the Penal Code, or under any amendment thereof adopted after the effective date of this section, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this part.

Same

1447. Notwithstanding any other provision of law, all unclaimed money or other property belonging to any person who dies while confined in any state institution subject to the jurisdiction of the Department of Mental Hygiene, which is paid or delivered to the State or any officer or employee thereof under the provisions of Section 166 of the Welfare and Institutions Code, or under any amendment thereof adopted after the effective date of this section, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this part.

Same

1448. Notwithstanding any other provision of law, all unclaimed money or other property belonging to any person who dies while confined in any state institution subject to the jurisdiction of the Youth Authority, which is paid or delivered to the State or any officer thereof under the provisions of Section 1015 of the Welfare and Institutions Code or under any amendment thereof adopted after the effective date of this section, shall

be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this part.

Article 2. Abandoned Property

Short title

1460. This article shall be known as the "Abandoned Property Law."

Procedure

The procedure to be followed for reporting money or other property presumed to be abandoned, for the delivery thereof to the State, for adjudging such money or other property to be abandoned, and for the recovery thereof by the owner shall be as provided in this title; except that nothing contained in this article shall in any way supersede any provisions of law now or hereafter enacted relative to the escheat of real or personal property, or any procedure now or hereafter established by law for the delivery to the State, county, city, or other governmental department, agency, or district of the State, county, or city of any real or personal property because the same is forfeited, abandoned, or the owner thereof is unknown or cannot be found, nor shall anything contained in this article be applicable to such provisions or procedures, but the provisions of this article shall be an additional and alternative remedy and procedure for the delivery of such property to the State.

Definitions

1461. As used in this article:

(1) "Person" means any individual, partnership, firm, corporation, association, or mutual company.

(2) "Holder" means any person who holds property which by this article or any other law of this State is presumed to be abandoned.

(3) "Owner" means any person who, either in his own right or in a representative capacity, is the owner, claimant, or entitled to the possession of the property.

Transmittal of property

1462. Whenever, under the provisions of this article, any unclaimed, abandoned, or presumptively abandoned property is payable into the State Treasury, the holder, if it is cash, shall transmit it to the Treasurer or Controller as provided in Chapter 2.

Permanent escheat

1463. Money or other property paid into the State Treasury pursuant to a judgment of abandonment under the provisions of Section 1475, if not claimed within five years from the date of entry of such judgment, is permanently escheated to the State without further proceeding; saving, however, to infants and persons of unsound mind, the right to appear and file their claims within the time limited, or within one year after their respective disabilities cease; but it shall be presumed that there are no such infants nor persons of unsound mind who are or will be entitled to claim such property unless and until they appear and claim such property as provided in this title.

Claim

1464. Except as otherwise provided in Section 1463, any money or other property paid into the State Treasury under

the provisions of this article may be claimed by the person entitled thereto, as provided in Chapter 3.

Bank deposits, etc

1465. All amounts of money heretofore deposited with any person which is a state bank, national banking association, savings bank, commercial bank, trust company, state building and loan association, federal savings and loan association, savings union, credit union, or any other similar type of corporation or organization, and appearing as of January 1, 1945, on the books and records of said person as due or owing to the owners thereof, and all amounts hereafter deposited with any such person to the credit of depositors who have not made a deposit on said account nor withdrawn any part thereof or the interest, and which shall have remained unclaimed for more than 20 years after the date of such deposit, or withdrawal of any part of principal or interest, and where neither the depositor nor any claimant has filed any notice with such person showing his or her present residence, and the present residence or whereabouts of the depositor or claimant is unknown, shall, with the increase and proceeds thereof, be presumed to be abandoned. The foregoing definition of property presumed to be abandoned shall be construed to include all amounts held or owing by any such person to which an owner is entitled, whether designated as bank deposits, time deposits, demand deposits, savings deposits, certificates of deposit, investment certificates, shares, certificates of shares, credits, certificates of credits, or by any other similar designation.

Report of holder of abandoned property

1466. Every person who is the holder of money or other property presumed to be abandoned shall annually, as of January 1st, report all such property to the Controller. The report shall be sworn to by the officer or agent of the holder preparing the same and shall be filed in triplicate in the office of the Controller on or before March 1st of each year, and shall give the name of the owner, his last known address, the amount and kind of property and date when received, the interest due, if any, and the amount thereof, and such other information as the Controller may require for the administration of this title. One copy of such report shall be delivered by the Controller to the Attorney General.

Controller's returns

1467. The Controller shall immediately after March 1st of each year prepare separate returns of all reports received by him, compiled by counties in which such money or other property is located or held. The compiled returns for each county shall contain, in addition to the matters otherwise required by this article, the name and address of the holder and a notice that the money or other property listed in the return is presumed to be abandoned property and will be delivered to the Treasurer, if money, or to the Controller, if property other than money, for deposit in the State Treasury on or after June 1st, unless the owner thereof appears and makes claim on the holder prior thereto.

Publication

1468. The Controller shall cause the compiled return for each county, together with said notice, to be published in a

newspaper of general circulation published in the county at least once a week for four consecutive weeks. If there is no newspaper of general circulation published in the county, he shall cause to be posted a copy of the compiled return for said county, together with said notice at the courthouse in said county for a period of four consecutive weeks. The publication or posting shall be begun on or before April 1st of each year, and when it is completed, it shall be constructive notice to all interested parties and shall be in addition to any other notice required by law. If for any reason the return together with said notice is not published or posted in any county prior to April 1st, the same may be published or posted at any time thereafter, provided that the date for the delivery of said money or other property to the Treasurer or Controller shall be specified at not less than two calendar months from the date of first publication or posting.

If, in the judgment of the Controller, the compiled return for any county or any portion of such compiled return includes money or other property of such small amount or value as not to justify the cost of publication, he shall cause the notice to be given in the same manner as if there were no newspaper of general circulation published in the county.

Delivery of abandoned property

1469. Every person who has made a report as required by this article shall, between June 1st and June 15th of each year, or within 15 days after the date specified in the notice, deliver all money or other property to the Treasurer or Controller as provided in Section 1462; except if the holder of any of the money or other property or the owner thereof certifies to the Controller by sworn statement that any or all of the statutory conditions necessary to create a presumption of abandonment no longer exists or never did exist, or certifies the existence of any fact or circumstance which has a substantial tendency to rebut such presumption, then the holder shall not be required to deliver the money or other property to the Treasurer or Controller except upon order of a court of competent jurisdiction.

Action by one claiming property

1470. If an action has been filed by any person claiming any money or other property which has been reported to the Controller, the holder shall not deliver the money or other property to the Treasurer or Controller during the pendency of the action, but shall notify the Controller of the fact, and shall also notify him of the termination of the action, and if such claimant is not judged to be the owner, he shall thereupon deliver such money or other property to the Treasurer or Controller as provided in Section 1462.

Receipt

1471. Upon the deposit of money or other property in the State Treasury under the provisions of this article, the Controller shall issue his official receipt for the same, and said receipt shall be deemed a voucher in favor of the holder as though executed by the owner of such property.

Suit to compel report

1472. The Attorney General may at any time commence an action or actions in the name of the State of California, in

the Superior Court for the County of Sacramento, to compel any person or persons to make and file the reports required by this article, and may join in one action any number of persons who are holders of the money or other property presumed to be abandoned for the same reason, without separately stating a cause of action as to each of them; and such actions shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial. Summons shall be served in such action or actions in the manner provided for in civil actions.

Suit to compel delivery

1473. The Attorney General may at any time commence an action or actions in the name of the State of California, in the Superior Court for the County of Sacramento, to compel any person or persons to deliver to the Treasurer or Controller money or other property presumed to be abandoned, and may join in one action any number of persons who are holders of money or other property presumed to be abandoned for the same reason, without separately stating a cause of action as to each of them; and such action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial.

If the money or other property presumed to be abandoned has been reported to the Controller and a return and notice thereof has been posted or published as hereinbefore provided, such action shall be against the holders thereof alone, and summons shall be served in such action or actions in the manner provided for in civil actions.

Proceedings to establish abandonment etc

1474. If any money or other property is delivered to the Treasurer or Controller on the presumption of abandonment, the Attorney General may at any subsequent time commence proceedings under Section 1410 to establish conclusively that such property was actually abandoned or that the owner thereof has died and there is no person entitled to it.

Alternative remedy

1475. If no return and notice has been posted or published as hereinbefore provided, as an alternative remedy, the Attorney General may at any time commence an action or actions in the name of the State of California, in the Superior Court for the County of Sacramento, to compel any person or persons to deliver to the Treasurer or Controller property presumed to be abandoned, and have it determined that such property is actually abandoned or that the owner thereof has died and there is no person entitled to it. There may be joined in one action any number of persons who are the holders of property presumed to be abandoned for the same reason and the owners thereof, without separately stating a cause of action as to each of them; and such action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of the place of trial.

Procedure

Service of process in such action or actions shall be made by service of summons on the holders of such property in the manner provided for service in civil actions, and by publication of a copy of such summons in a newspaper in the County

of Sacramento at least once a week for four consecutive weeks. At the time of issuing the summons the clerk shall also issue a notice signed by him, giving the title and number of said action, and referring to the complaint therein, and directed to all persons, other than those named as defendants therein, claiming any interest in any property mentioned in said complaint, and requiring them to appear within 60 days after the first publication of such summons, and show cause, if any they have, why the property involved in such action should not be declared abandoned or that the owners thereof have died and there is no person entitled to it, and delivered to the Treasurer, if money, or delivered to the Controller for deposit in the State Treasury, if property other than money, and notifying them that if they do not so appear and show cause, the State will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to and published with a copy of said summons, and at the end of the copy of such notice so published there shall be a statement of the date of the first publication of said summons and notice. Any person interested may appear in said action and become a party thereto. Upon the completion of the publication of the summons and notice, and the service of the summons on the holders of such property, the court shall have full and complete jurisdiction over the State and said property, and of the person of everyone having or claiming any interest therein, and shall have full and complete jurisdiction to hear and determine the issues therein, and render the appropriate judgment thereon.

Upon the trial the court shall hear all parties who have appeared, and if it determines that the property has actually been abandoned or that the owner thereof has died and there is no person entitled to it, the court shall render judgment in favor of the State declaring that the property has actually been abandoned or that the owner has died and there is no person entitled to it, and vesting title thereto in the State, and commanding the holder of such property to deliver it to the Treasurer or Controller as provided in Section 1462.

Inapplicability of statute of limitations

1476. The expiration of any period of time specified by law, during which an action or proceeding may be commenced or enforced to secure payment of a claim for money or recovery of property, shall not prevent any such money or other property from being deemed abandoned property, nor affect any duty to file a report required by this title or to deliver to the Treasurer or Controller any such abandoned property; and shall not serve as a defense in any action or proceeding brought under the provisions of this article to compel the filing of any report or the delivery of any abandoned property required by this article or to enforce or collect any penalty provided by this article.

Protection of one delivering abandoned property

1477. Any person delivering property to the Treasurer or Controller which is presumed to be abandoned property shall be immediately relieved and held harmless by the State from all or any claim or claims which exist at that time with reference

to such abandoned property or which may thereafter be made or may come into existence on account of, or in respect to, such abandoned property.

No action shall be maintained against any person who is the holder of property presumed to be abandoned, or any officer as agent thereof, for:

(a) The recovery of abandoned property delivered to the Treasurer or Controller pursuant to this article or for interest thereon subsequent to the date of the report of such abandoned property to the Controller.

(b) Damages alleged to have resulted from such delivery to the Treasurer or Controller.

No owner of abandoned property shall be entitled to receive interest on account of such abandoned property from and after the date a report of such abandoned property is made to the Controller pursuant to this article, whether or not he was entitled to interest on such property prior to such report.

Penalty

1478. Any person who violates any of the provisions of this article shall forfeit to the State of California the sum of one hundred dollars ($100) a day for each and every day such violation shall continue, except that the Controller may extend the time for making any report or delivering any property to the Treasurer or Controller as required in this article, and may waive the payment of any penalty or part thereof provided for by this section.

Article 3. Litigation Deposits in State Courts

Order to deposit money in State Treasury

1510. Whenever any money in litigation in any superior or inferior court, or any excess fees or other money deposited in connection with such litigation, has been or shall be paid into the county treasury, and three years thereafter it is made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, that said money has not been and cannot be paid out because the owner thereof cannot be found, the court or judge must order that such money be deposited in the State Treasury for the benefit of the owner thereof or his legal representative.

Transmittal of money

1511. Upon the issuance of the court order, as provided in Section 1510, the person in possession of the money covered thereby shall forthwith transmit the same to the Treasurer, as provided in Chapter 2.

Claim

1512. Any money paid into the State Treasury under the provisions of this article may be claimed by the person entitled thereto, as provided in Chapter 3.

Unclaimed bail

1513. The provisions of this title do not apply to unclaimed bail in criminal actions, the disposition of which is provided by Section 1309 of the Penal Code, nor to money deposited in the State Treasury as condemnation funds under Section 1254 of this code.

Article 4. Unclaimed Money from Dissolved Irrigation Districts

Unclaimed money from dissolved irrigation districts

1520. Whenever any money has come or shall come into the hands of a county treasurer as ex officio treasurer of a dissolved irrigation district, and three years thereafter it is made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, that said money has not been and cannot be paid out because the owner thereof cannot be found, the court or judge must order that such money be deposited in the State Treasury for the benefit of the owner thereof, or his legal representative.

Transmittal

1521. Upon the issuance of the court order, as provided in Section 1520, the county treasurer shall forthwith transmit the same to the Treasurer, as provided in Chapter 2.

Claim

1522. Any money paid into the State Treasury under the provisions of this article may be claimed by the person entitled thereto, as provided in Chapter 3.

Article 5. Litigation Deposits in Federal Courts

Litigation deposits in federal courts

1530. All money or other property which shall have been, or shall hereafter be, paid into or deposited in the custody of, or be under the control of, any court of the United States in and for any district within the State, or shall have been or hereafter shall be in the custody of any depository, registry, clerk, or other officer of such court, and the rightful owner or owners thereof either (a) shall have been or shall be unknown for a period of five consecutive years, or (b) shall have died or shall die without having disposed thereof, and without having left or without leaving a will disposing thereof, and without having left or without leaving heirs, devisees, or legatees, or (c) shall have abandoned or shall abandon such money or property, are declared to have escheated or to escheat, together with all interest accrued thereon, to, and to have become or to become the property of, the State.

If, in any proceeding authorized by this article, it shall appear from the records of the court of the United States that the rightful owner or owners of money or other property which has been or shall hereafter be deposited in the custody of, or be under the control of, such court, or in the custody of its depository, registry, clerk, or other officer, have not made claim thereto for a period of five successive years, it shall be presumed for all purposes of this section that such rightful owner or owners are, and during such period have been, unknown, and that they have died without having disposed thereof, and without having left a will, and without having left any heirs, next of kin, or distributees, and that such property has been abandoned. In a case where the rightful owner of such money or other property was a corporation, it shall also be presumed for purposes of this section that the corporation is dissolved and no longer in existence, and its charter forfeited, and all of the foregoing presumptions set forth in this section shall be made

with respect to the rightful owners or claimants to the assets of such corporation, including its stockholders and creditors. Any or all of the foregoing several presumptions may be rebutted by competent evidence to the contrary.

Proceedings by Attorney General

Whenever it shall appear that there exists or may exist escheated property under this section, the Attorney General may at any time commence proceedings under Section 1410 to have it established that such property has escheated to the State. In such proceeding, a copy of the petition and order shall be served upon the clerk of the court into which, or into whose registry, such money or other property has been paid or deposited, or which has control or custody thereof, or which has jurisdiction to make orders for the payment of such money or other property to the rightful owners thereof, together with a notice that no personal claim is made against him, and also upon the United States attorney for the district in which such court is located.

This section does not authorize a judgment in the escheat proceedings to require such courts, officers, agents, depositories, registries, or clerks to pay or surrender money or other property to the State.

The Attorney General shall take appropriate action, by obtaining an order of the court of the United States or otherwise, to collect and receive such money or other property.

Transmittal of property

1531. Upon the issuance of a court order directing any person to transmit to the State or any officer or employee thereof, any property subject to the provisions of this article, such person shall, unless otherwise provided by such court order, forthwith transmit such property to the Treasurer or Controller as provided in Chapter 2; and all of such property shall be deemed to be paid to the State under the provisions of this article.

Claim

1532. Any money or other property paid into the State Treasury under the provisions of this article may be claimed by the person entitled thereto as provided in Chapter 3.

Article 6. Property in Custody of Federal Officers or Agencies

Property in custody of federal officers or agencies

1540. All money or other property which shall have been, or shall hereafter be, paid to, or deposited in, the custody of, or be under the control of, any officer, department or agency of the United States of America, or shall have been, or shall hereafter be, in the custody of any depository, registry, or clerk of such department or agency, which money or other property had its situs or source in this State, and either (a) the sender thereof was not known, or (b) the money or other property was paid, deposited or received for an unknown purpose, or (c) the money or other property was not credited by such officer, department or agency to the account of any person, firm or corporation, or (d) the money or other property was credited by such officer, department or agency to an account designated as "unknown," or (e) the money or other property was credited by such officer, department or agency to the account of any

person, firm or corporation who has not made claim thereto after becoming entitled to the same or to claim the same, and if the rightful owner or owners thereof either (1) shall have been or shall be unknown for a period of five consecutive years, or (2) shall have died or shall die without having disposed thereof, and without having left, or without leaving a will disposing thereof, and without having left, or without leaving heirs, devisees or legatees, or (3) shall have abandoned or shall abandon such money or other property, are declared to have escheated, or to escheat, together with all interest accrued thereon, to, and to have become, or to become, the property of the State.

It is the purpose of this section to include all money or other property in the possession or under the control of the Government of the United States of America, the United States Treasury, the Comptroller of the Currency, Department of Internal Revenue, and all other departments, agencies and officers of the United States of America, which money or other property had their situs in this State or belonged to a resident thereof, and not to limit the application of this section by the naming of any particular officer, department or agency.

Presumption of abandonment, etc

If, in any proceeding authorized by this section, it shall appear from the records of any officer, department or agency of the United States that the rightful owner or owners of money or other property which has been or shall hereafter be paid to, or deposited in the custody of, or under the control of, any such officer, department or agency of the United States, or in the custody of any depository, registry or clerk of such officer, department or agency, have not made claim therefor for a period of five consecutive years, it shall be presumed for all purposes of this section that such rightful owner or owners are, and during such period have been, unknown, and that they have died without having disposed thereof, and without having left a will, and without having left any heirs, devisees or legatees, and that such property has been abandoned. In a case where the rightful owner of such money or other property was a corporation, it shall be presumed for purposes of this section that the corporation is dissolved and no longer in existence, and its charter forfeited; and all the foregoing presumptions set forth in this section shall be made with respect to the rightful owners or claimants to the assets of such corporation, including its stockholders and creditors. Any or all of the foregoing several presumptions may be rebutted by competent evidence to the contrary.

Proceedings by Attorney General

Whenever it shall appear that there exists or may exist escheated property under this section, the Attorney General may at any time commence proceedings under Section 1410 to have it established that such property has escheated to the State. In such proceeding a copy of the petition and order shall be served upon the clerk, registrar or other officer or person in charge of the department or agency into which, or into whose registry or treasury, the money or other property has been paid

or deposited, or which has control or custody thereof, or which has jurisdiction to make orders for the payment of such money or other property to the rightful owners thereof, together with a notice that no personal claim is made against such officer, registry or other person in charge of the agency or department having control or possession of the funds or property sought, and also upon the United States attorney for the district in which such escheat proceedings are commenced.

Construction

The purpose of this section is to determine judicially whether an escheat or abandonment has occurred, and is not to be construed as authorizing a judgment in the escheat proceedings to require such officers, departments or agencies of the United States of America or the officers, agents, depositories, registries, or clerks thereof to pay or surrender funds or property to the State.

The Attorney General shall take appropriate action, by obtaining an order of the court of the United States or otherwise, to collect and receive such money or other property.

Transmittal of property

1541. Upon the issuance of a court order directing any person to transmit to the State or any officer or employee thereof, any money or other property subject to the provisions of this article, such person shall, unless otherwise provided by such court order, forthwith transmit such money or other property to the Treasurer or Controller as provided in Chapter 2; and all of such money or other property shall be deemed to be paid to the State under the provisions of this article.

Claim

1542. Any money or other property paid into the State Treasury under the provisions of this article may be claimed by the person or persons entitled thereto as provided in Chapter 3.

Article 7. Unclaimed Property in Dissolved or Liquidated Banks

Unclaimed property in dissolved or liquidated banks

1550. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Articles 1 or 2 of Chapter 17 of the Banking Code, or under the provisions of Articles 1 or 2 of Chapter 17 of Division 1 of the Financial Code, if the Financial Code is enacted by the Legislature at its 1951 Regular Session, and if said Financial Code, as enacted, includes a codification therein of the provisions of Articles 1 and 2 of Chapter 17 of the Banking Code, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

Effect Stats. 1951, Ch. 361

Article 8. Unclaimed Property Held in Trust by Banks or Trust Companies in Liquidation

Unclaimed property held in trust by banks or trust companies in liquidation

1555. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Article 3 of Chapter 17 of the Banking Code, or under the provisions of

Effect
Stats 1951,
Ch 364

Article 3 of Chapter 17 of Division 1 of the Financial Code, if the Financial Code is enacted by the Legislature at its 1951 Regular Session, and if said Financial Code, as enacted, includes a codification therein of the provisions of Article 3 of Chapter 17 of the Banking Code, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

Article 9. Unclaimed Property in Dissolved Building and Loan Associations

Unclaimed property in dissolved building and loan associations

Effect
Stats 1951,
Ch 364

1560. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Section 13.16c of the Building and Loan Association Act, or under the provisions of Section 9073 of the Financial Code, if the Financial Code is enacted by the Legislature at its 1951 Regular Session, and if said Financial Code, as enacted, includes a codification therein of the provisions of Section 13.16c of the Building and Loan Association Act, shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of as provided in this title.

Article 10. Unclaimed Property in Possession of Receivers

Unclaimed property in possession of receivers

1565. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treasurer or Controller under the provisions of Section 570 of this code shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, and disposed of, as provided in this title.

Article 11. Unclaimed Property in Dissolved Corporations

Unclaimed property in dissolved corporations

1570. For the purpose of providing for the transmittal, receipt, accounting for, claiming, management, and investment of, all money or other property deposited in the State Treasury under the provisions of Sections 5009 and 5010 of the Corporations Code, such money or other property shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article; and shall be transmitted, received, accounted for, managed, and invested and the interest earned or other increment derived from such investment disposed of, as provided in this title; provided, however, that such money or other property may be claimed by the person entitled thereto within the time provided by Section 5011 of the Corporations Code and in the manner provided by Chapter 3; provided further, that such money or other property shall be exempt from the provisions of Chapter 5.

Article 12. Unclaimed Property in Dissolved Insurance Companies

Unclaimed property in dissolved insurance companies

1575. For the purpose of providing for the transmittal, receipt, accounting for, management, and investment of, all money or other property deposited in the State Treasury under the provisions of Section 1056.5 of the Insurance Code, such money or other property shall be deemed to be paid or delivered for deposit in the State Treasury under the provisions of this article, and shall be transmitted, received, accounted for, claimed, managed, invested and the interest earned or other increment derived from such investment disposed of, and adjudged or determined to be escheated to the State, as provided in this title; provided, however, that such money or other property shall be exempt from the provisions of Section 1431, and shall be disposed of after the date on which it becomes permanently escheated to the State, as provided in Section 1056.5 of the Insurance Code.

Abolition of the Estates of Deceased Persons Fund

SEC. 6. The Estates of Deceased Persons Fund in the State Treasury is hereby abolished. Whenever any law heretofore or hereafter enacted, or any amendment thereof adopted after the effective date of this act, refers to the Estates of Deceased Persons Fund, it shall be construed to refer to the Unclaimed Property Fund.

On the effective date of this act, the unencumbered balance of all assets of the Estates of Deceased Persons Fund shall become the property of the Unclaimed Property Fund, subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act; and such assets shall be transferred to the Unclaimed Property Fund, as provided by Section 16346 of the Government Code.

All cash and other assets transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to such fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 1 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Abolition of Abandoned Property Fund

SEC. 7. The Abandoned Property Fund in the State Treasury is hereby abolished. Whenever any law heretofore or hereafter enacted, or any amendment thereof adopted after the effective date of this act, refers to the Abandoned Property Fund, it shall be construed to refer to the Unclaimed Property Fund.

On the effective date of this act, the unencumbered balance of all assets of the Abandoned Property Fund shall become the property of the Unclaimed Property Fund, subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act; and such assets shall be transferred to the Unclaimed

Property Fund, as provided by Section 16346 of the Government Code.

All cash and other assets transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 2 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 2 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Transfer of unencumbered balance

SEC. 8. On order of the Controller, the unencumbered balance of the money on deposit in the Special Deposit Fund in the State Treasury and held to the credit of the account in said fund entitled "Litigation Deposits, Sec. 1274b, C.C.P.," being the unencumbered balance of litigation deposits, exclusive of unclaimed money derived from dissolved irrigation districts, heretofore deposited in the Special Deposit Fund under the provisions of Section 1274b of the Code of Civil Procedure, shall be transferred from the Special Deposit Fund to the Unclaimed Property Fund; and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 3 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 3 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Same

SEC. 9. On order of the Controller, the unencumbered balance of the money on deposit in the Special Deposit Fund in the State Treasury and held to the credit of the account in said fund entitled "Dissolved Irrigation Districts, Sec. 1274b, C. C. P.," being the unencumbered balance of unclaimed money that has come into the hands of county treasurers as ex officio treasurers of dissolved irrigation districts and that has heretofore been deposited in the Special Deposit Fund under the provisions of Section 1274b of the Code of Civil Procedure, shall be transferred from the Special Deposit Fund to the Unclaimed Property Fund, and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 4 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 4 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Repeal

SEC. 10. An act entitled "An act providing for the dissolution and winding up of savings banks, trust companies, and banks of deposit, and providing for the disposition of all funds deposited therein and not claimed within five years after such

banks have ceased to do business, or after the commencement of the proceedings to dissolve," approved March 31, 1891, as amended, otherwise cited as Chapter 190, Statutes of 1891, as amended, is hereby repealed; and the Dissolved Savings Bank Fund in the State Treasury, created by said act, is hereby abolished.

Transfer of assets

On the effective date of this act, the unencumbered balance of the assets of the Dissolved Savings Bank Fund shall become the property of the Unclaimed Property Fund, subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act; and such assets shall be transferred from the Dissolved Savings Bank Fund to the Unclaimed Property Fund as provided by Section 16346 of the Government Code.

All cash and other assets transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to such fund under the provisions of Article 7 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 7 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Transfer of unencumbered balance

SEC. 11. On order of the Controller, the unencumbered balance of the money on deposit in the School Land Fund in the State Treasury and held to the credit of the account in said fund entitled "Dissolved Bank Deposits, Sec. 136, Bank Act," being the unencumbered balance of all money heretofore deposited in the School Land Fund under the provisions of Sections 136, 136a, or 137 of the Bank Act prior to its codification in the Banking Code, and under the provisions of Articles 1 or 2 of Chapter 17 of the Banking Code subsequent to the effective date of said code, shall be transferred from the School Land Fund to the Unclaimed Property Fund, and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 7 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 7 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Transfer of money, etc

SEC. 12. On the effective date of this act, the unencumbered balance of all money or other property heretofore deposited in the School Land Fund in the State Treasury and held to the credit of the account in such fund entitled "Unclaimed Property Received From Financial Institutions in Liquidation, Sec. 136d, Bank Act," or held in the State Treasury in the name of such fund and account, being the unencumbered balance of all money or other property heretofore deposited in the School Land Fund under the provisions of Section 136d of the Bank Act prior to its codification in the Banking Code, and under the

provisions of Article 3 of Chapter 17 of the Banking Code subsequent to the effective date of said code, shall become the property of the Unclaimed Property Fund, subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act; and such money or other property shall be transferred to the Unclaimed Property Fund, as provided by Section 16346 of the Government Code with respect to the transfer of assets from funds which have been abolished.

All cash and other property transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to such fund under the provisions of Article 8 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 8 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Transfer of unencumbered balance

SEC. 13. On order of the Controller, the unencumbered balance of the money on deposit in the School Land Fund in the State Treasury and held to the credit of the account in said fund entitled "Building and Loan Association Unclaimed Deposit Dividends, Sec. 13.16c, Building and Loan Association Act," being the unencumbered balance of all money heretofore deposited in the School Land Fund under the provisions of Section 13.16c of the Building and Loan Association Act, shall be transferred from the School Land Fund to the Unclaimed Property Fund, and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

Stats 1931, p 483

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 9 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 9 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Abolition of Receivers Fund

SEC. 14. The Receivers Fund in the State Treasury is hereby abolished. On the effective date of this act, the unencumbered balance of all assets of the Receivers Fund, being the unencumbered balance of all money or other property heretofore deposited in such fund or deposited in the State Treasury in the name of such fund under the provisions of Section 570 of the Code of Civil Procedure, shall become the property of the Unclaimed Property Fund, subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act; and such assets shall be transferred from the Receivers Fund to the Unclaimed Property Fund as provided by Section 16346 of the Government Code.

All cash and other assets transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to such fund under the provisions of Article 10 of Chapter 6 of Title 10

of Part 3 of the Code of Civil Procedure, as said Article 10 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Transfer of unencumbered balance

SEC. 15. On order of the Controller, the unencumbered balance of all money heretofore deposited in the Special Deposit Fund in the State Treasury and held to the credit of the account in such fund entitled "Dissolved Corporation Deposits, Sec. 5009-11, Corporations Code," being the unencumbered balance of all money heretofore deposited in the Special Deposit Fund under the provisions of Section 403d of the Civil Code prior to the repeal and codification of said section in the Corporations Code, and under the provisions of Sections 5009 or 5010 of the Corporations Code subsequent to the effective date of said code, shall be transferred to the Unclaimed Property Fund, and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 11 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 11 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Same

SEC. 16. On order of the Controller, the unencumbered balance of all money heretofore deposited in the Special Deposit Fund in the State Treasury and held to the credit of the account in such fund entitled "Dissolved Insurance Companies, Sec. 1056.5, Insurance Code," being the unencumbered balance of all money heretofore deposited in the Special Deposit Fund under the provisions of Section 1056.5 of the Insurance Code, shall be transferred to the Unclaimed Property Fund, and after such transfer, shall be subject to all of the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said Part 3 by the provisions of this act.

The amount transferred to the Unclaimed Property Fund under the provisions of this section shall, for all purposes, be deemed to be deposited in or transferred to said fund under the provisions of Article 12 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, as said Article 12 of Chapter 6 of Title 10 is added to said Part 3 by the provisions of this act.

Expiration date

SEC. 17. Notwithstanding any other provision of this act, or of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said part by the provisions of this act, for the purpose of determining the expiration date of the right of any person to claim any money or other property transferred to the Unclaimed Property Fund under the provisions of Sections 6 to 16, inclusive, of this act, any such claim being otherwise subject to all of the provisions of said Title 10, except as otherwise provided by this act, such expiration date shall be not later than that determined by the provisions of law, if any, in existence immediately preceding the effective date of this act.

Date of escheat

SEC. 17.1. Notwithstanding any other provision of this act or of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said part by the provisions of this act, for the purpose of determining the earliest date on which any money or other property transferred to the Unclaimed Property Fund under the provisions of Sections 6 to 16, inclusive, of this act, has escheated to the State, or the earliest date on which a proceeding or action may be instituted or commenced by the Attorney General or Controller in order to have it adjudged, determined or established that the title to such property has vested in the State, as provided by Chapter 5 of said Title 10, such money or other property being otherwise subject to all of the provisions of said Title 10, except as otherwise provided by this act, such earliest date shall be not later than that determined by the provisions of law, if any, in existence immediately preceding the effective date of this act.

Application

SEC. 18. Except as otherwise provided by this act or by the provisions of Title 10 of Part 3 of the Code of Civil Procedure, as said Title 10 is added to said part by the provisions of this act, the right of the State or of any person in and to any money or other property subject to the provisions of this act or of said Title 10, and the commencement, running, or expiration of any such right shall not be affected by the provisions of this act or of said Title 10; and any proceeding or action instituted or commenced by the Attorney General or the Controller with respect to such money or other property prior to the effective date of this act, and the validity and effect thereof, if completed under the provisions of law in existence at the time of the institution or commencement of such proceeding or action, shall be governed by such former provisions of law, and shall not be affected by the provisions of this act or of said Title 10.

SEC. 19. Section 13470 of the Government Code is amended to read:

Investments

13470. Whenever there is in the treasury to the credit of the Unclaimed Property Fund the sum of twenty thousand dollars ($20,000) or more, the Director of Finance shall invest all but ten thousand dollars ($10,000) in the bonds specified in this article. No investment shall be made which will reduce the uninvested portion of the fund below the amount of ten thousand dollars ($10,000), and whenever a demand presented against the fund will reduce the amount of cash therein below ten thousand dollars ($10,000), the director shall sell such bonds belonging to the fund as he deems proper, so as to restore the cash retention of ten thousand dollars ($10,000).

SEC. 20. Section 870 of the Banking Code is amended to read:

Dormant accounts

870. The provisions of Article 2 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure govern the reporting and disposition of accounts dormant for 20 years or more. A copy of the report furnished the State Controller pursuant to the provisions of said article shall be filed by the bank in the office of the superintendent on or before March 1st of each year.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code.

SEC. 22. Section 3121 of the Banking Code is amended to read:

Unpaid dividends

3121. Dividends remaining unpaid and any sums available for payment of deposits for which no claim was filed, which remain in the hands of the superintendent six months after the order for the payment of a final dividend, shall be deposited by him in the State Treasury under the provisions of Article 7 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Title 10. The superintendent may pay over the moneys so held by him to the persons respectively entitled thereto at any time prior to such deposit, upon being furnished satisfactory evidence of their right to the same.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code.

SEC. 24. Section 3150 of the Banking Code is amended to read:

Liquidation

3150. Any bank which voluntarily has ceased to do a banking business shall immediately notify the superintendent thereof and shall then proceed to liquidate its affairs. Any deposit or other sum which has not been paid to the person entitled thereto within six months after the bank ceased to conduct a banking business shall be paid into the State Treasury under the provisions of Article 7 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Title 10. If the superintendent has reason to conclude that the liquidation of such bank is not being safely or expeditiously conducted, he may take possession of the business and property of such bank in the same manner and with the same effect and subject to the same rights accorded the bank as if he had taken possession pursuant to the provisions of Article 1 of this chapter, and he may proceed to liquidate its affairs in the same manner as provided in said Article 1 When such bank has been completely liquidated, its corporate existence shall be dissolved in the manner provided by law.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code.

SEC. 26. Section 3162 of the Banking Code is amended to read:

Delivery to State

3162. All money or other property delivered to the State Treasurer or State Controller pursuant to this article shall be deemed to be so delivered for deposit in the State Treasury under the provisions of Article 8 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Title 10.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code.

Repeal

SEC. 28. Sections 3163, 3164, 3165, 3166 and 3167 of the Banking Code are hereby repealed.

Repeal

SEC. 29. Sections 3163, 3164, 3165, 3166 and 3167 of the Financial Code are hereby repealed.

SEC. 30. Section 3168 of the Banking Code is amended and renumbered to read:

Liquidation

3163. Whenever any bank or trust company is being liquidated or whenever the trust business has been discontinued by any bank or trust company and such bank or trust company has in its possession money or other property held by it in trust or for safekeeping and a new or substituted trustee or bailee cannot be obtained, the superior court of the county in which the liquidation proceedings are pending or in which the head office of such bank or trust company is situated may by appropriate order designate the State Treasurer to act as a new or substituted trustee or bailee for such trust company or bank.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code.

SEC. 32. Section 13.16c of the Building and Loan Association Act is amended to read:

Disposition of unpaid, etc., dividends, etc

Sec. 13.16c. Disposition of Unpaid or Unclaimed Dividends and of Records. In making its order approving the commissioner's final statement of the liquidation of an association, the court shall determine the amounts of the liquidating dividends to which claimants and investors are entitled but which then remain unpaid or unclaimed in the hands of the commissioner. The order of the court shall direct the commissioner to deposit such amounts with the State Treasurer, and all amounts so deposited shall be deemed to be deposited in the State Treasury under the provisions of Article 9 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Title 10.

The order of the court approving the final statement shall provide for the destruction or other disposition of the books and records of the association or pertaining to the liquidation of the association, and the court may declare the association dissolved as a corporation.

NOTE: The section of the Financial Code affected by this chapter appears in its proper place in that code, Chapter 364 of Statutes of 1951, as required by Section 9762 of the Government Code

Effect Stats 1951, Ch 364

SEC. 34. Sections 21, 23, 25, 27, 29, and 31 of this act become operative only if the Financial Code is enacted by the Legislature at its 1951 Regular Session, and if said Financial Code, as enacted, includes a codification therein of the provisions of Sections 870, 3121, 3150, 3162, 3163, 3164, 3165, 3166, 3167, and 3168 of the Banking Code, and if said provisions of the Banking Code are repealed pursuant to such codification; and in such case, said sections of this act become operative at the

same time as said Financial Code takes effect, at which time Sections 20, 22, 24, 26, 28, and 30 of this act are repealed.

SEC. 35. Section 33 of this act becomes operative only if the Financial Code is enacted by the Legislature at its 1951 Regular Session, and if said Financial Code, as enacted, includes a codification therein of the provisions of Section 13.16c of the Building and Loan Association Act, and if said provisions of said act are repealed pursuant to such codification; and in such case, Section 33 of this act becomes operative at the same time as said Financial Code takes effect, at which time Section 32 of this act is repealed. Effect Stats 1951, Ch 364

SEC. 35.1. Section 231 of the Probate Code is amended to read:

231. If the decedent leaves no one to take his estate or any portion thereof under the laws of this State, the same escheats to the State as of the date of the death of the decedent. Property passing to the State under this section, whether held by the State or its officers, is subject to the same charges and trusts to which it would have been subject if it had passed by succession, and is also subject to the provisions of Title 10 of Part 3 of the Code of Civil Procedure relating to escheated estates. Escheat

SEC. 36. Section 739 of the Probate Code is amended to read:

739. When the money so deposited is not claimed within five years, the county treasurer shall make an affidavit so showing, and the court or judge must direct the same to be deposited in the State Treasury for the benefit of such claimant or his legal representative. Failure to claim

All money deposited in the State Treasury under the provisions of this section shall be deemed to be so deposited under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 37. Section 1064 of the Probate Code is amended to read:

1064. (a) When any person appears and claims the money or other personal property on deposit in the county treasury he shall file a petition in the superior court which made the distribution, showing his claim or right to the property, or the proceeds or any portion thereof. Procedure of claimant

At least 20 days before the hearing of the petition, a copy of the petition must be served on the Attorney General, who may answer the same, at his discretion.

The petition shall be verified and, among other things, shall state the facts required to be stated in a petition filed under Section 1355 of the Code of Civil Procedure, and upon the filing of the petition, the same proceedings shall be had as are required by that section.

If, upon trial of the issues, the court is satisfied of the claimant's right to the property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of the certificate, the county auditor must draw his warrant on the

county treasurer for the amount of money covered by the certificate. If the certificate covers any personal property other than money, a certified copy of the certificate filed with the county treasurer shall serve as a sufficient warrant of authority for the delivery of the personal property by the county treasurer to the claimant.

Claims for money or other personal property distributed in estates of deceased persons made subsequent to the deposit of the property in the State Treasury shall be governed by the provisions of Chapter 3 of Title 10 of Part 3 of the Code of Civil Procedure.

Same

(b) Claimants of money or other personal property deposited in the county treasury may, in lieu of filing the petition provided for in subsection (a) of this section, present such claim in form of an affidavit to a judge of the superior court which made the assignment or distribution, and such judge may thereupon, in his discretion, dispense with the filing of a petition and grant claimants the certificates provided for in subsection (a).

SEC. 38. Section 1148 of the Probate Code is amended to read:

Custody of deposited money

1148. The county treasurer shall receive and safely keep all such moneys deposited with him and pay them out upon the order of the public administrator, when countersigned by the judge, and not otherwise, and shall keep an account with each estate of all moneys received and paid. He shall be allowed 1 percent upon all moneys received and kept by him, and no greater fees, for any services herein provided; and for the safekeeping and payment of all such moneys, as herein provided, he and his sureties are responsible upon his official bond.

After a final settlement of the estate, if there are no heirs or other persons entitled thereto, or if such heirs or other persons entitled thereto do not appear and claim the same, the county treasurer shall deliver to the State Treasurer or the State Controller all money and other personal property in his hands belonging to the estate, under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 39. Section 5061 of the Penal Code is amended to read:

Property of one confined in state institution Death

5061. Whenever any person confined in any state institution subject to the jurisdiction of the Director of Corrections dies, and any personal funds or property of such person remains in the hands of the Director of Corrections, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, the director shall hold and dispose of such funds or property as follows:

If such decedent leaves a will, the director shall, within 30 days after the date of death of the decedent, deliver such will to the clerk of the superior court having jurisdiction of the estate; and if an executor is named in the will, the director shall furnish him written notice of the delivery of the will as herein provided.

All money or other personal property of the decedent remaining in the custody or possession of the director shall be held by him for a period of three years from the date of death of the decedent, for the benefit of the heirs, legatees or successors in interest of such decedent.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said three-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the director, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the director at public auction and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of the decedent;

(c) If any personal property of the decedent is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the director may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the director to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 40. Section 5062 is added to the Penal Code, to read:

Same
Departure

5062. Whenever any person confined in any state institution subject to the jurisdiction of the Director of Corrections escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the Director of Corrections, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money or other personal property of such person remaining in the custody or possession of the director shall be held by him for a period of three years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer; and upon order of the State Controller, such money shall be deposited in the Special Deposit Fund to the credit of the account in such fund covering unclaimed trust money of the institution from which such person escaped or was discharged or paroled, for the benefit of such person or his successors in interest.

All money deposited in the State Treasury under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

Upon the expiration of said three-year period, all personal property and documents of such person, other than cash, remaining unclaimed in the custody or possession of the director, shall be disposed of as follows:

Deeds, etc (a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of such person;

Securities (b) All securities shall be delivered by the director to the State Controller for deposit in the State Treasury; and when so deposited, shall be held in the name of the account in the Special Deposit Fund covering unclaimed trust money of such institution, for the benefit of the owner or his successors in interest. For the purposes of this section, "securities" means stocks, bonds, notes, debentures, and any other written evidence of ownership or indebtedness. When any such securities have been deposited in the State Treasury as herein provided, the State Controller shall have all of the powers, with respect to such securities, that are necessary in order to safeguard and conserve the interests of all parties, including the State, having any vested or expectant interest in such securities; and he shall, with respect to such securities, have all of the powers which are vested in him by the provisions of Chapter 4 of Title 10 of Part 3 of the Code of Civil Procedure with respect to the classes of unclaimed property covered by said Chapter 4; provided, however, that all money derived from the sale or conversion into cash of such securities shall, on order of the State Controller, be deposited in the Special Deposit Fund to the credit of the same account as is herein provided with respect to unclaimed money in the possession of the Director of the Department of Corrections. All such securities, and the proceeds thereof, shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and if unclaimed, shall revert to the General Fund as therein provided;

Other personal property (c) All personal property other than the classes covered by paragraphs (a) and (b) hereof shall be sold by the director at public auction and the proceeds of the sale delivered by the director to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of escaped, discharged or paroled persons;

Destruction (d) If any personal property covered by paragraph (c) of this section is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the director to be offered for sale at public auction at a later date, the director may order it destroyed.

SEC. 41. Section 5063 is added to the Penal Code, to read:

Notice 5063. Before any money or other personal property or documents are delivered to the State Treasurer, State Control-

ler, or public administrator, or sold at auction, or destroyed, under the provisions of Section 5061 or 5062, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition.

SEC. 42. Section 5064 is added to the Penal Code, to read:

Schedule

5064. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 5061 or 5062, the director shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, the name of the owner or deceased owner, his last known address, the date of his death, escape, discharge, or parole, and the name of the county from which he was committed.

SEC. 43. Section 5065 is added to the Penal Code, to read:

Suit concerning destroyed property

5065. When any personal property has been destroyed as provided in Section 5061 or 5062, no suit shall thereafter be maintained by any person against the State or any officer thereof for or on account of such property.

SEC. 44. Section 5066 is added to the Penal Code, to read:

Application

5066. Notwithstanding any other provision of law, the provisions of Sections 5061 and 5062 shall apply to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions of said sections if they had been in effect on the date of such delivery.

SEC. 45. Section 166 of the Welfare and Institutions Code is amended to read:

Property of one subject to jurisdiction of Department of Mental Hygiene Death

166. Whenever any person confined in any state institution subject to the jurisdiction of the Department of Mental Hygiene dies, and any personal funds or property of such person remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money or other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of three years from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said three-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of the decedent;

(c) If any personal property of the decedent is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the superintendent may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the superintendent to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 46. Section 166.1 is added to the Welfare and Institutions Code, to read:

Same
Departure

166.1. Whenever any person confined in any state institution subject to the jurisdiction of the Department of Mental Hygiene escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money or other personal property of such person remaining in the custody or possession of the superintendent thereof shall be held by him for a period of three years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest; provided, however, that unclaimed personal funds or property of paroled minors may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the Director of Mental Hygiene.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer; and upon order of the State Controller, such money shall be deposited in the Special Deposit Fund to the credit of the account in such fund covering unclaimed trust money of the institution from which such person escaped or was discharged or paroled, for the benefit of such person or his successors in interest.

All money deposited in the State Treasury under the provisions of this section shall be subject to the provisions of

Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

Upon the expiration of said three-year period, all personal property and documents of such person, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of such person; Deeds, etc

(b) All securities shall be delivered by the superintendent to the State Controller for deposit in the State Treasury; and when so deposited, shall be held in the name of the account in the Special Deposit Fund covering unclaimed trust money of such institution, for the benefit of the owner or his successors in interest. For the purposes of this section, "securities" means stocks, bonds, notes, debentures, and any other written evidence of ownership or indebtedness. When any such securities have been deposited in the State Treasury as herein provided, the State Controller shall have all of the powers, with respect to such securities, that are necessary in order to safeguard and conserve the interests of all parties, including the State, having any vested or expectant interest in such securities; and he shall, with respect to such securities, have all of the powers which are vested in him by the provisions of Chapter 4 of Title 10 of Part 3 of the Code of Civil Procedure with respect to the classes of unclaimed property covered by said Chapter 4; provided, however, that all money derived from the sale or conversion into cash of such securities shall, on order of the State Controller, be deposited in the Special Deposit Fund to the credit of the same account as is herein provided with respect to unclaimed money in the possession of the superintendent. All such securities, and the proceeds thereof, shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and if unclaimed, shall revert to the General Fund as therein provided; Securities

(c) All personal property other than the classes covered by paragraphs (a) and (b) hereof shall be sold by the superintendent at public auction and the proceeds of the sale delivered by the superintendent to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of escaped, discharged or paroled persons; Other personal property

(d) If any personal property covered by paragraph (c) of this section is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the superintendent to be offered for sale at public auction at a later date, the superintendent may order it destroyed. Destruction

SEC. 47 Section 166.2 is added to the Welfare and Institutions Code, to read:

166.2. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction, or destroyed, Notice

under the provisions of Section 166 or 166.1, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition.

SEC. 48. Section 166.3 is added to the Welfare and Institutions Code, to read:

Schedule

166.3. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Sections 166 or 166.1, the superintendent shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, the name of the owner or deceased owner, his last known address, the date of his death, escape, discharge, or parole, and the name of the county from which he was committed.

SEC. 49. Section 166.4 is added to the Welfare and Institutions Code, to read:

Suit concerning destroyed property

166.4. When any personal property has been destroyed as provided in Sections 166 or 166.1, no suit shall thereafter be maintained by any person against the State or any officer thereof for or on account of such property.

SEC. 50. Section 166.5 is added to the Welfare and Institutions Code, to read:

Application

166.5. Notwithstanding any other provision of law, the provisions of Sections 166 and 166.1 shall apply to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions of said sections if they had been in effect on the date of such delivery.

SEC. 51. Section 1015 of the Welfare and Institutions Code is amended to read:

Property of one subject to jurisdiction of Youth Authority. Death

1015. Whenever any person confined in any state institution subject to the jurisdiction of the Youth Authority dies, and any personal funds or property of such person remains in the hands of the Director of the Youth Authority, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money or other personal property of such decedent remaining in the custody or possession of the Director of the Youth Authority shall be held by him for a period of three years from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said three-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the director shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the director at public auction and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to other unclaimed money of the decedent;

(c) If any personal property of the decedent is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the director may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the director to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 52. Section 1016 is added to the Welfare and Institutions Code, to read:

Same
Departure

1016. Whenever any person confined in any state institution subject to the jurisdiction of the Youth Authority escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the Director of the Youth Authority, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money or other personal property of such person remaining in the custody or possession of the Director of the Youth Authority shall be held by him for a period of three years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest; provided, however, that unclaimed personal funds or property of paroled minors may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the director.

Upon the expiration of said three-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer; and upon order of the State Controller, such money shall be deposited in the Special Deposit Fund to the credit of the account in such fund covering unclaimed trust money of the Youth Authority from which such person escaped or was discharged or paroled, for the benefit of such person or his successors in interest.

All money deposited in the State Treasury under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

Upon the expiration of said three-year period, all personal property and documents of such person, other than cash, remaining unclaimed in the custody or possession of the director shall be disposed of as follows:

Deeds, etc. (a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of such person;

Securities (b) All securities shall be delivered by the director to the State Controller for deposit in the State Treasury; and when so deposited, shall be held in the name of the account in the Special Deposit Fund covering unclaimed trust money of such institution, for the benefit of the owner or his successors in interest. For the purposes of this section, "securities" means stocks, bonds, notes, debentures, and any other written evidence of ownership or indebtedness. When any such securities have been deposited in the State Treasury as herein provided, the State Controller shall have all of the powers, with respect to such securities, that are necessary in order to safeguard and conserve the interests of all parties, including the State, having any vested or expectant interest in such securities; and he shall, with respect to such securities, have all of the powers which are vested in him by the provisions of Chapter 4 of Title 10 of Part 3 of the Code of Civil Procedure with respect to the classes of unclaimed property covered by said Chapter 4; provided, however, that all money derived from the sale or conversion into cash of such securities shall, on order of the State Controller, be deposited in the Special Deposit Fund to the credit of the same account as is herein provided with respect to unclaimed money in the possession of the Director of the Youth Authority. All such securities and the proceeds thereof, shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code, and if unclaimed, shall revert to the General Fund as therein provided;

Other personal property (c) All personal property other than the classes covered by paragraphs (a) and (b) hereof shall be sold by the director at public auction and the proceeds of the sale delivered by the director to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of escaped, discharged or paroled persons;

Destruction (d) If any personal property covered by paragraph (c) of this section is not salable at public auction, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the director to be offered for sale at public auction at a later date, the director may order it destroyed.

SEC. 53. Section 1017 is added to the Welfare and Institutions Code, to read:

Notice 1017. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction, or destroyed, under the provisions of Section 1015 or 1016, notice of said intended

disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition.

SEC. 54. Section 1018 is added to the Welfare and Institutions Code, to read:

Schedule

1018. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 1015 or 1016, the director shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, the name of the owner or deceased owner, his last known address, the date of his death, escape, discharge, or parole, and the name of the county from which he was committed.

SEC. 55. Section 1019 is added to the Welfare and Institutions Code, to read:

Suit concerning destroyed property

1019. When any personal property has been destroyed as provided in Section 1015 or 1016, no suit shall thereafter be maintained by any person against the State or any officer thereof for or on account of such property.

SEC. 56. Section 1020 is added to the Welfare and Institutions Code, to read:

Application

1020. Notwithstanding any other provision of law, the provisions of Sections 1015 and 1016 shall apply to all money or other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions of said sections if they had been in effect on the date of such delivery.

Transfer

SEC. 57. On order of the State Controller, that portion of the amounts transferred to the Unclaimed Property Fund under the provisions of Sections 6 to 16, inclusive, of this act, which, in the funds from which transferred, was derived from the cancellation of warrants therein pursuant to the provisions of Section 17070 of the Government Code, or pursuant to the provisions of Chapter 112, Statutes of 1871-2, as amended, shall be transferred from the Unclaimed Property Fund to the School Fund, to be expended for the support of the common schools of the State.

Short title

SEC. 58. This act shall be known as the "Unclaimed Property Act."

Severability clause

SEC. 59. If any provision of this act, or the application thereof to any person or circumstances is held invalid or unconstitutional, the remainder of this act, and the application of the provisions thereof to other persons or circumstances, shall not be affected thereby.

CHAPTER 1709

An act to repeal Chapter 7 of Division 3 of, and to add Chapter 7 of Division 3, comprising Sections 6700 to 6799, inclusive, to, the Business and Professions Code, relating to professional engineers.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Chapter 7 of Division 3 of the Business and Professions Code is repealed.

SEC. 2. Chapter 7 is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 7. PROFESSIONAL ENGINEERS

Article 1. General Provisions

Short title

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the branches of chemical, civil, electrical, mechanical and petroleum engineering. It may be cited as the Civil and Professional Engineers Act.

"Professional engineer"

6701. "Professional engineer," within the meaning and intent of this act, refers to a person engaged in professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

"Civil engineer"

6702. "Civil engineer" as used in this chapter means professional engineer in the branch of civil engineering and refers to one who practices or offers to practice civil engineering in any of its phases.

"Responsible charge of work"

6703. The phrase "responsible charge of work" means the independent control and direction, by the use of initiative, skill, and independent judgment, of the investigation or design of professional engineering work or the supervision of such projects.

Application of chapter

6704. Only persons registered under the provisions of this chapter shall be entitled to take and use the title "professional engineer," and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "mechanical engineer," "petroleum engineer," or "engineer-in-training." The provisions of this act pertaining to registration of professional engineers in the branches of chemical, electrical, mechanical, and petroleum engineering do not apply to employees in the communication

industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor.

Subordinate

6705. A subordinate is any person who assists a registered professional engineer in the practice of professional engineering without assuming responsible charge of work.

Article 2. Administration

Board of Registration

6710. There is in the Department of Professional and Vocational Standards a State Board of Registration for Civil and Professional Engineers, which consists of seven members appointed by the Governor.

Members Qualifications

6711. Each member of the board shall be a citizen of the United States and registered under this chapter, with at least 12 years active experience and of good standing in his profession. He shall be at least 30 years of age, and shall have been a resident of this State for at least five years immediately preceding his appointment.

Same Terms of incumbents

6712. Members of the State Board of Registration for Civil and Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Civil and Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: The term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955 Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each member appointed to fill a new term of vacancy shall be a registered professional engineer in the same branch as his predecessor.

Same Removal

6713. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty.

Executive secretary

6714. The board shall appoint an executive secretary at a salary to be fixed and determined by the board with the approval of the Director of Finance.

Same Duties

6715. The secretary shall keep a complete record of all applications for registration and the board's action thereon and shall prepare annually a roster showing the names and addresses of all registered professional engineers.

A copy of the roster shall be filed with the Secretary of State and with the clerk of each county in the State, and a copy shall be furnished to each professional engineer registered under the provisions of this chapter. Copies of the roster shall be available on application to the secretary, at such price per copy as may be fixed by the board.

All records shall be public records.

Rules, by-laws, meetings

6716. The board may adopt rules and by-laws, not inconsistent with law, needed to govern its action.

The board shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board provide. Notice of all meetings shall be given in such manner as the by-laws provide. A majority of the board constitutes a quorum.

Power of board

6717. The board shall have power to define the scope of each branch of professional engineering other than civil engineering for which registration is provided under this chapter.

Oaths, hearings

6718. Any member of the board may administer oaths and may take testimony and proofs concerning all matters within the board's jurisdiction.

Seal

6719. The board shall adopt and have an official seal which shall be affixed to all certificates of registration.

Compensation

6720. Each member of the board shall receive twenty-five dollars ($25) per day for the time actually spent in traveling to and from and in attending sessions of the board and its committees, and he shall be reimbursed for all necessary expenses incident to the performance of his duties under this chapter.

Report

6721. Within 30 days prior to the meeting of the general session of the Legislature, the board shall submit to the Governor a full and true report of its transactions during the preceding biennium including a complete statement of the receipts and expenditures of the board during the period. A copy of the report shall be filed with the Secretary of State.

Article 3. Application of Chapter to Civil Engineering

Evidence of qualifications

6730. In order to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as in this chapter specifically excepted, who practices, or offers to practice, civil engineering in any of its branches in this State, shall submit evidence that he is qualified to practice, and shall be registered as a civil engineer by the board.

Scope of civil engineering

6731. Civil engineering embraces the following studies or activities in connection with fixed works for irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, foundations, framed and homogeneous structures, buildings, or bridges:

(a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.

(b) The supervision of the construction of engineering structures.

(c) The investigation of the laws, phenomena and forces of nature.

(d) Appraisals or valuations.

(e) The preparation and/or submission of designs, plans and specifications and engineering reports.

Nothing in this chapter shall prohibit the preparation of plans, drawings, specifications, estimates, or instruments of service for single or multiple dwellings not more than two stories and basement in height; garages or other structures appurtenant to such dwellings; farm or ranch buildings; or any other buildings, except steel frame and concrete buildings, not over one story in height, where the span between bearing walls does not exceed twenty-five (25) feet.

Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein, and geodetic, municipal and topographic surveying.

Unlawful acts

6732. It is unlawful for anyone other than a professional engineer registered under this chapter, to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or to in any manner use the title "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," or "petroleum engineer," or any combination of such words and phrases unless registered hereunder.

Same

6733. It is unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with the seal after the certificate of the registrant, named thereon, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

Practicing civil engineering

6734. Any person practices civil engineering when he professes to be a civil engineer or is in responsible charge of civil engineering work.

Preparation of plans, etc

6735. All civil engineering plans, specifications, reports or documents shall be prepared by a registered civil engineer or by a subordinate employee under his direction. In addition, they shall be signed by him or stamped with his seal, either of which shall indicate his responsibility for them. The registered civil engineer shall use together with his signature or seal, the title "civil engineer" or, if he has the authority, the title "structural engineer."

"Structural engineer"

6736. No person shall use the title, "structural engineer," unless he is a registered civil engineer in this State and, furthermore, unless he has been found qualified as a structural engineer according to the rules and regulations established therefor by the board.

Architects

6737. An architect, who holds a certificate to practice architecture in this State under the provisions of Chapter 3 of Division 3 of this code insofar as he practices architecture in its various branches, is exempt from registration under the provisions of this chapter.

Group practice

6738. (a) This chapter does not prohibit one or more civil engineers from practicing or offering to practice civil engineering through the medium of a partnership, firm, or corporation; provided:

(1) A civil engineer is the partner, member, or directing officer in charge of the engineering practice of the partnership, firm, or corporation.

(2) All civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who shall sign or stamp with his seal such plans, specifications, and reports.

(3) The partnership, firm or corporate name shall not contain the name of any person who is either not registered by the board in a branch of professional engineering, or as an architect; provided, that any holding out by such partnership, firm, or corporation of any individual or individuals to the public as a member, or members, of such partnership, firm, or corporation, other than by the use of the name or names of such individual or individuals in the partnership, firm, or corporate name, shall clearly and specifically designate the license status of such individual or individuals.

(b) Nothing herein shall authorize the offering to practice or the practice of civil engineering by any person, either as a member, officer or employee of any partnership, firm, or corporation, who is not a registered civil engineer.

(c) This chapter does not prevent or prohibit an individual, firm, company, association or corporation engaged in any line of business other than the practice of civil engineering from employing a registered civil engineer to perform civil engineering services incidental to the conduct of their business.

(d) The provisions of this section shall not apply to, or prevent the use of the name of, any partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947; provided, all civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further, that all civil engineering plans, specifications and reports shall be signed by or stamped with the seal of the registered civil engineer in charge of the preparation of the same

Federal servants

6739. Officers and employees of the United States of America practicing solely as such officers or employees are exempt from registration under the provisions of this chapter.

Subordinates

6740. A subordinate to a civil engineer registered under this chapter, or a subordinate to a civil engineer exempted from registration under this chapter, insofar as he acts solely in such capacity, is exempt from registration under the provisions of this chapter. This exemption, however, does not permit any such subordinate to practice civil engineering in his own right or to use the title, "civil engineer" or "structural engineer."

Nonresidents

6741. Any person, firm, partnership, or corporation who is not a resident of the State of California, and who is legally qualified to practice as a civil engineer in another state, and offers to practice but who does not practice civil engineering in this State and who does not have or maintain a regular place of business in this State is exempt from registration under the provisions of this chapter.

Realtors

6742. Any person, firm or corporation holding a license as real estate broker or real estate salesman, when making appraisals and valuations of real estate properties, while engaged in the business or acting in the capacity of a real estate broker or a real estate salesman, within the meaning of the California Real Estate Act is exempt from registration under the provisions of this chapter.

Surveyors

6743. This chapter does not affect Chapter 15 of Division 3 of this code, relating to surveyors, except insofar as this chapter is expressly made applicable.

Own work

6744. This chapter does not require registration for the purpose of practicing civil engineering, by an individual, a member of a firm or partnership, or by an officer of a corporation on or in connection with property owned or leased by the individual, firm, partnership, or corporation, unless the civil engineering work to be performed involves the public health or safety or the health and safety of employees of the individual, firm, partnership or corporation.

Store alterations, etc

6745. This chapter does not prohibit any person, firm or corporation from furnishing, either alone or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service or other data covering such labor and materials:

(a) For store fronts, interior alterations or additions, fixtures, cabinet work, furniture or other appliances or equipment.

(b) For any work necessary to provide for their installation.

(c) For any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment; provided, such alterations do not affect the structural safety of the building.

Communications work

6746. Plans, specifications, reports and documents relating to communication lines and equipment prepared by employees of the communication industry, and by employees of contractors while engaged in work on communication equipment for the communication industry, are not subject to the provisions of this chapter.

Article 4. Registration

Application

6750. An application for registration as a professional engineer or certification as an engineer-in-training shall be made to the board on the form prescribed by it and shall specify the branch of professional engineering in which the applicant desires registration, with all statements therein made under oath, and shall be accompanied by an application fee fixed by this chapter, which fee shall be retained by the board.

Qualifications

6751. (a) The applicant for registration as a professional engineer shall:

(1) Be of good moral character;

(2) Furnish evidence of six years or more of experience in engineering work satisfactory to the board evidencing that applicant is competent to practice the character of engineering in the branch for which he is applying for registration, and successfully passing an examination.

(b) The applicant for certification as an engineer-in-training shall:

(1) Be of good moral character;

(2) Successfully pass an examination.

Graduation from an engineering school or college where the curriculum has been approved by the board shall count as four years of experience and each year of study completed without graduation in an engineering school or college where the curriculum has been approved by the board shall count as one-half year of experience, except that applicants for registration in any branch of professional engineering shall not receive credit for more than four years of experience because of undergraduate educational qualifications.

Experience

6752. An applicant for registration as a civil engineer must have gained his experience under the direction of a civil engineer legally qualified to practice, and must be at least 25 years of age.

Other educational experience

6753. Except with respect to applicants for registration as civil engineers, the board:

(a) May in its discretion consider graduation in a nonaccredited engineering curriculum, as equivalent to not more than two years experience;

(b) May at its discretion give credit as experience not in excess of one year, for satisfactory postgraduate work in a school of engineering where the curriculum has been approved by the board;

(c) Shall consider engineering teaching, if of a character satisfactory to the board, as engineering experience.

Experience in armed service

6753.5. All applicants shall be given equal credit for engineering experience in the armed forces of United States as with any other comparable engineering experience.

Examinations

6754. Examination for registration shall be held at regular or special meetings of the board, at the times and places within the State as the board shall determine.

Time, place, scope methods

Work of the board relating to examination and registration may be divided into committees as the board shall direct. The scope of examinations and the methods of procedure may be prescribed by the board.

General principle

6755. Examinations shall be designed to conform to the following general principle: One division of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; and another division of the examination shall test the applicant's ability to apply his knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which he is being examined.

Engineers-in-training

6756. Applicants for certification as engineer-in-training shall be required to take the first division of the examination provided for in Section 6755.

Dual qualification

6757. Applicants who profess to be qualified in more than one branch of engineering shall be required to file an application for each branch in which they wish to be examined.

Re-examination

6758. An applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter.

Waiver of examination

6759. The board, upon application therefor, on its prescribed form, and the payment of the application and registration fees fixed by this chapter, which fees shall be retained for the board, may issue a certificate of registration as a professional engineer, without written examination, to any person holding a certificate of registration issued to him by any state or country when the applicant's qualifications meet the requirements of this chapter, and rules established by the board.

Temporary registration

6760. A temporary registration as a professional engineer may be granted, upon application and payment of the temporary registration fee fixed by this chapter, if the applicant complies with each of the following provisions:

(a) He maintains no place of business in this State.

(b) He is legally qualified as a professional engineer in the state or country where he maintains a place of business.

(c) His practice as a professional engineer in this State does not require more than 60 days in any one calendar year.

(d) He notifies the board in writing of his intention to practice stating the approximate date when he intends to commence and the approximate length of time he expects to continue.

The secretary, after having determined that the applicant is qualified and has complied with the provisions of this section, may issue a temporary certificate of registration to practice for a period of not to exceed 60 days

Vote

6761. In determining the qualifications of an applicant for registration, a majority vote of the board is required.

Certificate

6762. Any applicant who has passed the examination and has otherwise qualified hereunder as a professional engineer or as an engineer-in-training, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him as a professional engineer or as an engineer-in-training in the particular branch for which he is found qualified.

Certificates of registration for professional engineers shall be signed by the president and secretary; certificates of registration for engineers-in-training shall be signed by the secretary; and issued under the seal of the board.

"Structural engineer" certificate

6763. Application for authority to use the title, "structural engineer," shall be made to the board on forms prescribed by it and shall be accompanied by the application fee fixed by this chapter, which fee shall be retained for the board.

An applicant for authority to use the title "structural engineer" who has passed the examination prescribed by the board, upon the payment of the certificate of authority fee fixed by the chapter, which fee shall be retained for the board, shall have a certificate of authority issued to him.

Seal

6764. Each professional engineer registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate, and the legend "professional engineer" and the particular branch in which he is registered.

Duplicate certificate

6765. A duplicate certificate of registration to replace one lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged.

Certificate as evidence

6766. An unsuspended, unrevoked and unexpired certificate and endorsement of registry made under this chapter, is presumptive evidence in all courts and places that the person named therein is legally registered.

Article 5. Disciplinary Proceedings

Complaint, investigation, action

6775. The board may receive and investigate complaints against registered professional engineers and engineers-in-training, and make findings thereon.

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any professional engineer or engineer-in-training registered hereunder:

(a) Who has been convicted of a felony.

(b) Who has not a good character.

(c) Who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud or gross incompetency in his practice.

(d) Who has been found guilty of any fraud or deceit in obtaining his certificate or violation of any provision of this chapter.

(e) Who aids or abets any person in the violation of any provisions of this chapter.

(f) Who violates any provision of this chapter.

Conduct of proceedings

6776. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted.

Reissuance of certificate

6777. The board may reissue a certificate of registration, certification, or authority, to any person whose certificate has been revoked if a majority of the members of the board vote in favor of such reissuance for reasons the board deems sufficient.

Article 6. Offenses Against the Chapter

Investigation of violations

6785. The board shall have the power, duty, and authority to investigate violations of the provisions of this chapter.

Prosecution

6786. It is the duty of the respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this chapter.

It is the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this chapter.

Unlawful acts, penalty

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil engineering in this State according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil engineer, or any other title whereby such person could be considered as practicing or offering to practice civil engineering in any of its branches, unless he is qualified by registration as a civil engineer under this chapter.

(g) Who, unless registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil engineering work is solicited, performed or practiced.

(h) Who uses the title, or any of them, of "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "petroleum engineer," or "structural engineer" without being registered as required by this act.

(i) Who violates any provision of this chapter.

Article 7. Revenue

Annual fee

6795. Any certificate of registration or authority to use the title "structural engineer" issued under the provisions of this chapter shall remain in effect until the thirtieth day of June following the date of issuance.

Every professional engineer registered, or engineer-in-training certified under this chapter who desires to continue the practice of his profession beyond the thirtieth day of June following the date of issuance of his original certificate shall on or before the thirtieth day of June of each year pay an annual renewal fee which shall be retained for the board, for which fee a renewal certificate of registration or certification for the current year shall be issued.

Delinquency penalty

6796. Certificates of registration, or certification, or authorities to use the title of "structural engineer," which have expired for failure to pay renewal fee may be reinstated within one year under rules and regulations prescribed by the board. The authority of a civil engineer to use the title "structural engineer" shall not be reinstated unless his certificate of registration is at the time valid and unexpired. After the thirtieth day of June of each year the application for reinstatement of an expired certificate of registration, or authority to use the title of "structural engineer," shall be accompanied by the penalty for delinquency fixed by this chapter, in addition to the annual renewal fee.

Administration of funds

6797. The department shall receive and account for all money derived from the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's Fund. This fund shall be expended in accordance with law for the payment of all actual and necessary expenses incurred in carrying out the provisions of this chapter. The Civil Engineers Fund is hereby abolished. The unexpended balance remaining therein on the effective date of this act shall, on order of the State Controller, be transferred to the Professional Engineer's Fund.

Refunds

6798. The department may make refunds of all fees in accordance with Section 158 of this code.

Fee schedule

6799. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The fee for filing each application for registration as a professional engineer, or authority to use the title "structural engineer" is fifteen dollars ($15) and for each certification as engineer-in-training is five dollars ($5), except that as to any person who is the holder of a current certificate as an engineer-in-training, the fee for filing an application for registration as a professional engineer is ten dollars ($10).

(b) The registration fee for professional engineer is ten dollars ($10) for each certificate issued.

(c) The duplicate certificate fee is one dollar ($1).

(d) The temporary registration fee for professional engineer is ten dollars ($10).

(e) The structural engineer's certificate of authority fee is ten dollars ($10).

(f) The annual renewal fee for professional engineer is six dollars ($6) for each branch of professional engineering in which registration is held; for authority to use the title "structural engineer" is three dollars ($3); for engineer-in-training is two dollars ($2) for each branch in which certification is held.

(g) The penalty for delinquency of the annual renewal fee is one dollar ($1) for each month or fraction thereof after the date upon which the annual fee became due until the amount thereof aggregates five dollars ($5).

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 3. Except where a contrary intention is clearly expressed herein, this act shall be deemed to be a continuation of the Civil Engineers' Act in all respects. No person who on the effective date of this act is validly registered under the Civil Engineers' Act need secure any other or additional registration under this act. Such persons shall for all purposes be deemed to be registered under this act and subject to all provisions thereof. Effect of act B. & P. C., §6700, ff

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CHAPTER 1710

An act to amend Section 3 of an act entitled "An act relating to institutions under the jurisdiction of the Department of Corrections, making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of a new site for the California Institution for Women, authorizing the Director of Corrections to transfer the California Institution for Women from its present location near Tehachapi to the new site, and authorizing the disposition of the Tehachapi property," approved July 2, 1947, relating to institutions under the jurisdiction of the Department of Corrections, and the disposition of property used in connection therewith. Stats. 1947, p. 2451, amended

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

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. Within a reasonable time after the transfer of the California Institution for Women from its present location, the state-owned real property near the City of Tehachapi in Kern County now used and occupied by the California Institution for Women shall be used for one of the following purposes in the order of preference listed: Use of Tehachapi property

(a) As a California academy as provided in Chapter 8 of Division 10 of the Education Code; provided, however, that if at the time the property is no longer used for its present purposes funds deemed necessary by the Department of Education for capital outlay for, or for support of, such California academy shall not have been appropriated by the Legislature through the budget or otherwise or acquired by the department through gifts or donations, then

(b) The property shall be made available for any other purpose in the public interest to be determined by the Legislature, or

(c) If the Legislature fails to act by the time the property is no longer required by the Department of Corrections for the

use of the California Institution for Women it shall then be transferred to the Director of Finance who is authorized to lease it under such conditions and terms as he deems reasonable and are in the best interests of the State, to any nonprofit corporation for use as a home for minor children and youths who are dependent, neglected, or in danger of becoming delinquent, or, in lieu thereof, provide for the use of the property by such agency of the State as he deems necessary and for the best interests of the State.

CHAPTER 1711

An act to add Division 3 to Title 5 of the Government Code constituting the Community Services District Law, providing for the formation of community services districts in unincorporated territory, for the purposes, powers, management and government of such districts; authorizing such districts to incur bonded indebtedness for the purpose of constructing and acquiring works and property and to levy and collect taxes to pay the principal and interest on bonds and for other purposes of such districts; imposing certain duties and functions in connection with such districts upon certain county officers; and providing methods of annexation to and dissolution of such districts.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Division 3, Community Services Districts, is added to Title 5 of the Government Code, to read as follows:

DIVISION 3. COMMUNITY SERVICES DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

Short title

60000. This division shall be known and may be cited as the Community Services District Law.

CHAPTER 2. DEFINITIONS

Construction

60010. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division.

Effect of definition

60011. The definition of a word applies to any of its variants.

"District"

60012. "District" means a community services district formed under the provisions of this division.

"Board"

60013. "Board" means the board of directors of a district.

60014. "President" means the president of the board. "President"

60015. "Secretary" means the secretary of the board. "Secretary"

60016. "Elector" and "voter" have respectively the same meaning as in the Elections Code, but an "elector" or "voter" shall also be a resident of the district or proposed district involved. "Elector" "Voter"

PART 2. FORMATION

CHAPTER 1. PETITION FOR FORMATION

60100. The people of any unincorporated territory within one or more counties may form a district pursuant to this part. Unincorporated territory

60101. Proceedings for the formation of a district shall be commenced by filing as hereinafter provided a petition addressed to the board of supervisors of the county in which the territory of the proposed district lies. The petition may consist of any number of separate instruments each of which must comply with all the requirements for a petition except as to the number of signatures. Filing address form

60102. The petition for formation shall: (a) state the proposed name for the district, (b) set forth the boundaries of the district or describe the lands situated therein, (c) request that a district be formed under the Community Services District Law. (d) state for which of the purposes set forth in Section 60600 of this division the district is to be formed. Contents

60103. The petition shall be signed by registered electors within the proposed district equal in number to at least 15 percent of the number of votes cast in the proposed district for the Office of Governor at the general election next prior to the filing of the petition. Signatures

60104. The petition shall be filed with the clerk of the board of supervisors of the county in which the proposed district lies. Said board shall, at its next regular meeting, or it may at any earlier special meeting, fix a time and place for the hearing of the petition not less than 20 days nor more than 40 days after the date of such meeting. Time of filing

60105. Notice of the hearing shall be published in a newspaper of general circulation, circulated within the proposed district. Such notice shall be published at least twice with an interval of at least six days between the first and last publication. Publication must be completed at least six days before the date of the hearing. Notice of hearing

60106 The notice of the hearing shall: Same Contents

(a) State that a petition for the formation of a community services district has been filed with the board of supervisors;

(b) State the proposed name for the district;

(c) Set forth the boundaries of the district or describe the lands situated therein;

(d) State the purposes for which the district is to be formed as requested by the petition;

(e) State the time and place for the hearing;

(f) State that at said hearing protests will be considered and that requests in writing for exclusion from or inclusion of lands in a proposed district will be heard and considered.

Clerical error Effect

60107. The board of supervisors shall not be deprived of jurisdiction to proceed with the hearing nor shall any action on the petition be invalidated for clerical error in the published notice.

CHAPTER 2. HEARING ON PETITION

Appearances

60110. At the time stated in the notice of the hearing the board of supervisors shall hear the petition and those appearing in favor thereof and any protests made orally or in writing against the formation of the proposed district.

Request for exclusion, inclusion

60111. At the hearing any owner of land in the proposed district may present to the board of supervisors a request in writing for exclusion of such land or any part thereof and any owner of land outside the proposed district may present to the board of supervisors a request in writing for inclusion of such land in the proposed district.

Adjournment

60112. The board of supervisors may adjourn the hearing from time to time not exceeding four weeks in all.

Finding re petition

60113. Upon the hearing of the petition the board of supervisors shall determine whether or not the petition complies with this part. Its finding in favor of the genuineness and sufficiency of the petition and notice is final and conclusive against all persons except the State of California in a proceeding brought by the Attorney General within one year of the date of the order declaring the district formed.

Final hearing Boundaries

60114. Upon the final hearing the board of supervisors shall fix the boundaries of the proposed district. In so doing it shall exclude from the district any land which it finds will not be benefited by the proposed project and it may include in the district any land which it finds will be benefited if it also finds it will be to the interest of the district to include the same.

Name

60115. Upon the final hearing the board of supervisors shall designate the name of the proposed district which may be that proposed in the petition or such other name as said board may select.

CHAPTER 3. ELECTION ON FORMATION

Call, notice, questions

60120. Upon the final hearing the board of supervisors shall call and give notice of an election to be held in the proposed district for the purpose of determining whether or not it shall be formed and for the selection of persons who shall serve as the directors of said district if said district is formed.

Time

60121. The election shall be held not less than 40 days nor more than 60 days from the date of the final hearing on the formation petition.

Notice

60122. Notice of the election shall be published in a newspaper of general circulation circulated within the proposed

district. Such notice shall be published at least twice with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the date of the election.

Same
Contents

60123. The notice of election shall contain (a) the date of the election, (b) the name of the proposed district, (c) the purposes for which the district is to be formed, (d) a statement that the first directors will be elected at that election who will take office if the district is formed, and (e) a description of the boundaries of the proposed district or of the lands included therein.

Conduct

60124. The election shall be called and conducted and candidates nominated in the manner hereinafter provided for general district elections except that the board of supervisors shall establish election precincts, designate the polling place or places, appoint the election board or boards, and canvass the returns.

Canvass

60125. The vote shall be canvassed by the board of supervisors on the first Monday which is four or more days after the election.

Effect of election

60126. If less than a majority of the votes cast at the election is in favor of forming the district the board of supervisors shall declare the proceedings terminated.

Same

60127. If the majority of the votes cast at the election is in favor of forming the district the board of supervisors shall by resolution entered on its minutes declare the district duly organized under the Community Services District Law, giving the name of the district and the purposes for which it is formed, and describing its boundaries.

Resolution of formation

60128. The county clerk shall immediately cause to be filed in the office of the county recorder of the county in which the district is situated and with the Secretary of State a certified copy of the resolution forming the district. Thereupon the organization of the district shall be complete.

Effect of informality

60129. No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.

Limitation

60130. The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 90 days after the date that the formation of such district is complete.

Chapter 4. Formation of District in More Than One County

Dual proceedings

60140. Where the proposed district lies in more than one county the formation of the district shall be effected by separate petitions to and proceedings before the boards of supervisors in each county in which the proposed district lies.

Conduct

60141. The procedure in each county shall be the same as if the portion of the district within the county constituted the

entire district except that the petition shall set forth the boundaries of the entire district or describe the lands situated therein and the notices and resolutions with respect thereto shall indicate that portions of the proposed district lie in one or more other counties.

Jurisdiction

60142. Each board of supervisors shall have jurisdiction to fix the boundaries of the proposed district only in its own county.

Completion

60143. The formation of such a district shall be complete only upon a favorable termination of the proceedings in each county in which the proposed district lies and upon completion by each county clerk of the filings required by Section 60128.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. BOARD OF DIRECTORS

Number, election

60200. Each district shall have a board of three directors elected at large.

Terms of initial directors

60201. The directors first elected upon the formation of the district shall classify themselves by lot so that the term of office of one of them shall be until the election and qualification of a successor at the first succeeding general district election, and the term of office of two of them shall be until the election and qualification of successors in the second succeeding general district election.

Terms of succeeding directors

60202. The term of office of each director other than directors first elected shall be four years.

Failure to qualify

60203. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in the office.

Vacancy

60204. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected

Same

60205. An appointment to fill a vacancy in the office of director shall be for the unexpired terms of the office in which the vacancy exists.

Incumbents

60206. Each director elected or appointed shall hold office until his successor qualifies.

Compensation

60207. The board may authorize each director to receive compensation not exceeding ten dollars ($10) for each meeting of the board attended by him, not exceeding three meetings in any calendar month.

Same

60208. The board may authorize a director to receive for performing duties for the district other than attending board meetings:

(a) Not to exceed ten dollars ($10) for each day.

(b) Traveling and other expenses incurred by him in performing such duties.

Oath

60209. Before entering upon the duties of his office each director shall take and subscribe the official oath before the secretary or any officer authorized by law to administer oaths and shall file it with the secretary.

60210. The number of directors on the board of a district shall be increased to five upon approval by a majority of the voters of a proposition therefor submitted to them at a general or special district election by resolution of the board or by initiative petition. At the time of submitting such a proposition an election shall be held to select two persons to serve as directors in the event that the proposition is adopted. If the proposition is approved the term of office of one of the two persons so selected, to be chosen by lot, shall extend to the election and qualification of a successor at the next succeeding general district election and the term of office of the other shall extend to the election and qualification of a successor at the second succeeding general district election. Increased number

60220. Within 30 days after the election of the first directors and thereafter within 30 days after each general district election the directors shall meet and organize as a board and may thereupon transact any business of the district. First meeting

60221. The board shall: Organization

(a) Elect one of its members president.

(b) Provide for the time and place of holding its regular meetings.

(c) Provide for the manner of calling special meetings.

60223. The board shall act only by ordinance, resolution, or motion. Action

60224. A majority of the board shall constitute a quorum for the transaction of business. Quorum

60225. No ordinance, resolution, or motion shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. Vote

60226. Except where action is taken by the unanimous vote of all directors present and voting, the ayes and noes shall be taken upon the passage of all ordinances, resolutions, or motions and entered upon the minutes of the board. Same Recordation

60227. The form of enacting clause of all ordinances passed by the board shall be: "Be it ordained by the board of directors of _____ Community Services District as follows:". Enacting clause

60228. All ordinances shall be signed by the president and attested by the secretary. Execution

60229. All legislative sessions of the board shall be public. Public sessions

CHAPTER 2. OTHER OFFICERS AND EMPLOYEES

60240. The board shall, at its first meeting or as soon thereafter as practicable, appoint by a majority vote: Manager, secretary

(a) A general manager;

(b) A secretary, who may also be the general manager.

60241. A director shall not be general manager or secretary. Restriction

60242. The general manager and secretary shall each receive the compensation determined by the board and shall serve at its pleasure. Compensation

Other officers, etc

60244. The board may at any time appoint or employ, fix the compensation of, and prescribe the authorities and duties of other officers, employees, attorneys, and engineers necessary or convenient for the business of the district.

Bond

60245. The general manager and secretary and other employees or assistants of the district required so to do by the board shall each give a bond to the district conditioned for the faithful performance of his duties as the board may provide.

CHAPTER 3. BOARD AND OFFICER ACTIVITIES

Governing body

60300. The board is the governing body of the district.

Powers

60301. The powers of districts enumerated in this division shall, except as therein otherwise provided, be exercised by the board.

Self interest

60302. Directors and officers of the district shall not be interested in any contract made by the district and shall not be purchasers at any sale nor vendors at any purchase made by the district.

Voidability

60303. Every contract made in violation of any of the provisions of Section 60302 may be avoided at the instance of any party except the director or officer interested therein.

PART 4. ELECTIONS

CHAPTER 1. ELECTIONS GENERALLY

Elections Code

60400. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all district elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this division shall control over any provision of the Elections Code.

First election

60401. The first general district election shall be held on the same day as and may be consolidated with the next state direct primary which is held more than six months subsequent to the date of formation of the district.

Succeeding elections

60402. Succeeding general district elections shall be held on the same day as and may be consolidated with the succeeding state direct primaries.

Nominations

60403. Nominations for the office of director shall be made by petition of five or more electors filed with the secretary at least 30 days before the election.

Ballots

60404. For each district election the secretary shall procure at district expense and furnish to the officials conducting the election a suitable number of ballots having printed thereon

the names of persons properly nominated, a blank space for insertion of an additional name for each office to be filled, and a statement of any district proposition to be voted upon with appropriate spaces for voting "yes" or "no."

Notice

60405. Notice of each district election shall be published in a newspaper of general circulation circulated within the district, at least twice with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the election.

Same: Contents

60406. The notice of election shall contain the date of election, the location of polling places, the names of any persons properly nominated for office and the office for which nominated, and a brief statement of any district propositions to be voted upon at the election.

Duties of board

60407. The board shall establish election precincts, designate the polling place or places, and appoint the election board or boards, and shall canvass the returns on the Monday following the date of the election.

Determination of result

60408. If there is but one person to be elected to an office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected.

Same

60409. If there are two or more persons to be elected to an office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

Same

60410. If a proposition has been submitted at the election it shall be declared approved if a majority of those voting thereon, or such higher number as may be required by law, vote in favor thereof. Otherwise it shall be declared rejected.

Certificate of election

60411. The secretary shall immediately make and deliver to each person elected a certificate of election signed by the secretary and authenticated with the seal of the district.

Effect of informality

60412. No informality in conducting a district election shall invalidate it.

Expenses

60413. All the expenses of district elections shall be borne by the district.

Chapter 2. Appointments in Lieu of Election

Only one nominee Cancellation of election

60430. If on the twentieth day prior to a general district election one person only has been nominated for each of the positions of director to be filled at that election and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.

Notice

60431. In such case the publication provided for in Section 60405 shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of director.

Appointment

60432. If pursuant to Section 60430 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at

its next regular meeting appoint to the positions of directors those persons nominated, and such persons shall qualify, take office, and serve exactly as if elected at a general district election.

CHAPTER 3. INITIATIVE; REFERENDUM; RECALL

Initiative

60450 Ordinances may be passed by voters in accordance with Article 1 of Chapter 2 of Division 4 of the Elections Code.

Referendum

60451. Ordinances may be disapproved and thereby vetoed by voters by proceeding in accordance with Article 2 of Chapter 2 of Division 4 of the Elections Code.

Recall

60452. Every incumbent of the office of director, whether elected by popular vote for a full term or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 2 of Division 13 of the Elections Code applicable to officers of counties.

PART 5. PURPOSES AND POWERS

CHAPTER 1. PURPOSES

Purposes

60600. A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants

(c) The collection or disposal of garbage or refuse matter.

(d) Protection against fire.

(e) Public recreation by means of parks, playgrounds, swimming pools or recreation buildings.

(f) Street lighting.

(g) Mosquito abatement.

(h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

Special election

60601. Whenever the board determines by resolution that it is feasible, economically sound, and in the public interest, for the district to exercise its powers for any of the purposes specified in Section 60600 which are not designated in the petition for formation of the district, the board may call a special district election and submit to the electors of the district, or submit to them at the next general district election, the question of whether the district should adopt such additional purpose or purposes. If a majority of the votes cast at the election upon such proposition shall be in favor of the adoption of such additional purpose or purposes, then the powers of the district may be exercised therefor.

CHAPTER 2. POWERS

60610. A district may take or acquire real or personal property of every kind within or without the district by grant, purchase, gift, devise, lease, or condemnation pursuant to eminent domain proceedings in accordance with Title 7, Part 3 of the Code of Civil Procedure. Acquisition of property

60611. A district may hold, use, enjoy, lease or dispose of any of its property. Management of property

60612. A district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction. Legal entity

60613. A district may borrow money and incur or assume indebtedness and it may issue bonds or other evidences of such indebtedness; provided, however, that no district shall incur any funded indebtedness which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district. Indebtedness

60614. A district may refund or retire any indebtedness that may exist against or be assumed by the district. Same Refund retirement

60615. A district may levy and cause to be collected, taxes for the purpose of carrying on the operations and paying the obligations of the district. Taxes

60616. A district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers. Contracts

60617. A district has perpetual succession. Succession

60618. A district may adopt a seal and alter it at pleasure. Seal

60619. A district may employ labor and professional services. Employment

60620. A district may perform any work of construction or operation under its own superintendence or may contract for the performance of such work by others. Construction, operation

60621. A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it and a district may refuse to furnish services or facilities to persons who fail to pay the charges so determined. Rates, charges

60622. Each district has the power generally to perform all acts necessary to carry out fully the provisions of this division. General power

60625. A district may construct any works along, under, or across any street, road, highway, or other property devoted to a public use subject to consent of the governing body in charge of such public use. Construction of works

60626. A district may enter into an agreement with any public or private corporation whereby any work or improvement may be operated and maintained by the corporation. The power to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such operation and maintenance. Operation, maintenance of works

60626.5. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of two thousand dollars ($2,000) shall be let to the lowest re- Contracts over $2 000

sponsible bidder after competitive bidding. The board shall have the right to reject any and all bids, in which case the board may call for new bids. In the event no proposals are received or where the estimated cost of such work does not exceed the sum of two thousand dollars ($2,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors may have said work done by force account. The district shall have the power to purchase in the open market without calling for bids, materials and supplies for use in any work therewith either under contract, or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand dollars ($2,000), without calling for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 3. LIABILITY FOR DAMAGES

Liability for acts etc., of employees

60627. No officer, agent, or employee shall be liable for any act or omission of any agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which he was appointed or employed or retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

Claims Presentation

60628. Whenever it is claimed that any property has been taken, injured, damaged, or destroyed or that any person has been injured or damaged as a result of any dangerous or defective condition of any property controlled by the district or its officers, agents, or employees or by any act or omission of any officer, agent, or employee of the district, a claim for damages shall be presented in writing and filed with the secretary within 180 days after the accident, injury, taking, damage, or destruction has occurred.

Same Contents

60630. Each claim filed pursuant to Section 60628 shall specify the name and address of the claimant, the date and place of the accident, injury, taking, damage, or destruction, and the nature and extent of the injury or damage claimed.

Condition precedent

60631. Compliance with Sections 60628 and 60630 is a condition precedent to the filing or maintaining of any action for the injury or damage.

Costs of counsel, expenses

60632. The district may employ counsel to defend any action brought against it or any of its officers, agents, or employees on account of any injury, taking, damage, or destruction, and the fees and expenses, including the cost of any bonds and undertakings, involved therein shall be a lawful charge against the district.

Exoneration of officers, etc

60633. If an officer, agent, or employee of the district is held liable for any act or omission in his official capacity, except in case of actual fraud or actual malice, and any judgment is rendered thereon, the district shall pay the judgment without obligation for repayment by the officer, agent, or employee.

CHAPTER 4. BONDS

Resolution

60650. Whenever the board deems it necessary for the district to incur a bonded indebtedness, it shall by resolution set forth all of the following:

(a) A declaration of the necessity for the indebtedness.

(b) The purpose for which the proposed debt is to be incurred.

(c) The amount of the proposed debt.

(d) The time and place for a hearing by the board on the questions:

(1) Will the whole or a portion of the district be benefited by the accomplishment of the purpose?

(2) If only a portion of the district will be benefited, what portion will be so benefited?

Notice

60651. Notice of the hearing shall be given by publication of a copy of the resolution in a newspaper of general circulation circulated within the district at least twice with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the time fixed for the hearing.

Same

60652. The copy of the resolution published or posted shall be accompanied by a notice subscribed by the secretary that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place any person interested, including all persons owning property in the district, will be heard upon the questions stated in the resolution.

Hearing

60653. At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded indebtedness, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing.

Appearances

60654. At the hearing any person interested, including persons owning property within the district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

Determination of benefit

60655. At the conclusion of the hearing, the board shall by resolution determine whether the whole or part of the district will be benefited by the accomplishment of the purpose stated in the resolution.

Re-olution

60656. If the board determines that the whole of the district will not be benefited, the resolution shall also describe the portion of the district which will be benefited, in a manner sufficient for identification, which portion of the district described in the resolution shall thereupon constitute and be known as "Improvement District No. _____ of _____ Community Services District."

Limitation

60657 After the formation of an improvement district within a district pursuant to this article, all proceedings for the purpose of a bond election within the improvement district and for the purpose of taxation for the payment of the bonds and

interest shall be limited, and apply only to the improvement district.

Effect of determination

60658. The determination of the board that the whole of the district will be benefited by the bond issue or that only a described portion of the district will be benefited by the bond issue is final and conclusive.

Resolution

60659. After the board has made its determination pursuant to Section 60655, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 60655.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 7 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special district election (which may be consolidated with a general district election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the district or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector, and two clerks.

Same Notice

60660. The resolution provided for in Section 60659 shall constitute the notice of such special bond election and such resolution shall be published in a newspaper of general circulation circulating within the district at least twice with an interval of at least six days between the first and last publication. Publication shall be complete at least six days before the election.

Conduct of election

60661. The board shall provide for holding the election in the same manner as provided by law in respect to district elections so far as applicable, except as otherwise provided in this chapter.

Voters

60663. Every elector residing within the area designated in the resolution adopted pursuant to Section 60659, but no others, may vote on the proposition to authorize the bonds. If the area does not include the entire district a separate ballot

shall be prepared for the vote upon such proposition and only the voters entitled thereto shall be given such ballots.

Result

60671. If more than two-thirds of the votes cast at the election are in favor of incurring the indebtedness, the board may, by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

Execution

60671.1. The bonds shall be signed by the president and countersigned by the secretary and the coupons shall be signed by the secretary. All signatures except that of the secretary on the bonds may be printed, lithographed or engraved. If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office. All bonds shall be payable at the office of the county treasurer, who is the depositary of the district pursuant to Section 60730.

Disposal Building

60672. The district may dispose of the bonds so issued at the times or in the manner the board deems to be to the public interest; provided, that all bonds shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the district. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Characteristics of bonds

60673. Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

Refunding bonds

60674. The board may, by resolution, do the following

(a) Submit to the voters a measure to issue new bonds to refund any or all of the district bonds outstanding.

(b) Submit to the voters of any improvement district of the district a measure to issue new bonds to refund any improvement district bonds outstanding.

Election

60675. The measure may be voted on at any district election or a special election may be called for the purpose.

Conduct

60676. The procedure upon the election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, except that:

(a) No hearing need be held upon the question whether the bond issue will benefit the entire district or only a portion thereof.

(b) The vote of a majority of the voters voting upon the measure is sufficient to authorize the issue of refunding bonds.

Sale

60677. The refunding bonds may be issued and sold in the manner and form prescribed for an original issue of bonds.

Exchange

60678. Refunding bonds may, if the holders of bonds of an original issue and the board so agree, be exchanged for original bonds.

Face value

60679. The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds.

Payment

60680. The board may raise money by rates or taxes to pay principal and interest of the refunding bonds in the same manner as prescribed for payment of bonds of an original issue.

Callable bonds

60681. Any bonds issued by the district may be made callable by resolution of the board adopted at or prior to the time of issuing the bonds.

Statement

60682. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

Redemption

60683. Callable bonds may be redeemed in addition to other methods permitted in the following manner:

(a) In numerical order or by lot as prescribed in the resolution.

(b) On any interest payment date prior to their fixed maturity.

(c) At prices determined in the resolution provided for in Section 60681.

Notice

60684. Notice designating the bonds called for redemption shall be published once a week for three successive weeks in a newspaper of general circulation circulated in the county in which the office of the district is situated.

Publication

60685. The first publication of the redemption notice shall be not less than 30 nor more than 90 days prior to the date fixed for redemption.

Cessation of interest

60686. If on the date fixed for redemption the district has provided funds available for payment of the principal and interest of the bonds called, interest on them ceases.

Chapter 5. Improvement Districts

Formation

60710. Improvement districts may be formed in a district for any authorized purpose of the district in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

Board of directors

60711. The board of directors of a district shall have the same rights, powers, duties and responsibilities with respect to the formation and government of improvement districts in districts as the board of directors of an irrigation district has with respect to improvement districts in irrigation districts.

Assessments

60712. Assessments in an improvement district in a district shall be levied, collected and enforced at the same time and in as nearly the same manner as practicable as annual taxes for purposes of the district in which formed, except that the assessment shall be made in the same manner as provided with respect to improvement districts in irrigation districts.

Street work

60715. Whenever, in the opinion of the board, the public interest or convenience may require, it may order to be done in,

under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights of way owned by the district, any work or improvement which the district is authorized to do and provide that the cost thereof shall be assessed upon the lots and lands fronting on the streets or public places, or upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other. The Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Street Opening Act of 1903, and the Street Improvement Act of 1913 are applicable to districts. S & H C, §5000 ff Stats 1913, p 421 S & H C, §8500, ff S & H C, §4000, S & H C, §7000 ff

60716. In the application of said acts to proceedings under this section the terms used in said acts shall have the following meanings: Definitions

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary

(d) "Superintendent of streets" and "street superintendent" and "city engineer" mean the general manager of the district or any other person appointed to perform such duties

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean the county treasurer who is the depositary of the district pursuant to Section 60730.

(g) "Right of way" means any parcel of land through which a right of way has been granted to the district for the purpose of constructing or maintaining or work or improvements which the district is authorized to do

60717. The powers and duties conferred by said acts upon boards, officers and agents of cities shall be exercised by the board, officers and agents of the district, respectively. Exercise of powers

60718. The improvements authorized to be constructed or acquired by this section are restricted to those permitted to be constructed or acquired pursuant to Section 60600. Permissible improvements

60719. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of the assessment in the proceedings under any of said acts and the diagram attached to said assessment shall be recorded in the office of the county surveyor of each county in which any part of the lands assessed are located and with the superintendent of streets of each city in which any part of said lands are located. Lien, notice

Chapter 6. Depositary of District Money

60730. The board shall designate the county treasurer of a county in which the district is situated to be the depositary and have the custody of all the district's money. County treasurer

60731. The county treasurer shall: Same

(a) Receive and receipt for all the district's money and place it in the county treasury to the credit of the district. Accounting, deposit, etc

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

Same
Payment.

60732. The county treasurer shall pay, when due, out of district money, all sums payable on outstanding bonds and coupons of the district; and the county treasurer shall pay any other sums out of district money, or any portion thereof, only upon warrants of the county auditor.

County auditor

60733. The county auditor shall draw warrants to pay demands made against the district when the demands have been approved by a majority of the members of the board and the general manager.

Report

60734. The county treasurer shall report in writing on the first day of July, October, January, and March of each year to the board with respect to each of the following:

(a) The amount of money he then holds for the district.

(b) The amount of receipts since his last report.

(c) The amount paid out since his last report. The report shall be verified and filed with the secretary.

Charges

60735. The board of supervisors of the county shall determine the charge to be made against the district for any services of either or both of:

(a) The county treasurer as custodian of the district's money.

(b) The county auditor in drawing warrants to pay demands made and approved against the district.

PART 6. TAXES

CHAPTER 1. GENERAL PROVISIONS

Power to levy

60750. If from any cause the revenues of the district shall be inadequate to pay the principal or interest on any bonded debt as it becomes due, the board must, or if funds are needed to carry out the objects and purposes of the district, which cannot be provided for out of the revenues of the district, then the board may levy a tax for such purposes as herein provided.

Statement of purposes
limitation

60751. The board shall state the purposes for which such taxes are necessary, and must fix, by ordinance, the amount of money necessary to be so raised by taxation. If the amount to be raised at any one time by taxation for a purpose other than interest or sinking fund payments exceeds the sum of fifty thousand dollars ($50,000), such ordinance shall not go into effect before 30 days from its final passage.

Use of county rolls

60752. The board of directors shall avail itself of the equalized assessment rolls of the counties in which the district is situated, and take such assessments as the basis for district taxations.

Collection

60753. All taxes shall be collected by the county assessors and tax collectors of the counties in which the district is situated.

Statement by auditors

60754. The said county auditors must, on or about the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property

within the district, which value shall be ascertained from the equalized assessment rolls of the respective counties.

Rate

60755. The board shall, on the first weekday in September, or if such weekday falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars of assessed valuation, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by the board are a valid assessment of such property and a valid levy of such taxes so fixed. The board must immediately thereafter transmit to the said county auditors a statement of such rate so fixed by the board.

Property subject

60756. Any district taxes required to be levied to pay the interest on or principal of any bonded indebtedness incurred by the district for the benefit of less than the whole of the district shall be levied on and shall be a lien upon only the property benefited by the bonded debt as stated in the resolution of the board declaring the necessity to incur the debt. Where any district taxes are to be levied upon less than the whole district the board shall furnish the State Board of Equalization and the county assessors and auditors of the counties with a description of the property upon which such taxes are to be levied and the county auditors shall include in the statement furnished pursuant to Section 60754 the total value of all property so described.

Accounting

60757. The said auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "community services district tax" the respective sums in dollars and cents or dollars or cents to be paid as a district tax on the property therein enumerated and assessed as being in the district, using the rate or rates of levy so fixed by the board and the assessed value as found in such assessment books.

Collection, deposit

60758. Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, as ascertained as hereinafter provided, shall be paid to the county treasurer who is the depositary of the district pursuant to Section 60730, under the general requirements and penalties provided by law for the settlement of other taxes.

Lien

60759. All taxes levied under the provisions of this law shall be a lien on the property on which they are levied; and the enforcement of the collection of such taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the latter being hereby made a part of this law, so far as applicable.

Redemption

60760. Whenever any real property situate in any district has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurers receiving the same to such district, in the

proportion which the tax due to such district bears to the total tax for which such property was sold.

Statement of expenses

60761. Each county auditor and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district in the amount determined by agreement between the district and the board of supervisors, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; provided, that not more than one-half of 1 per centum on the amount collected shall be so charged or deducted by any county. The boards of supervisors of such counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

PART 7. CHANGES IN ORGANIZATION

CHAPTER 1. ANNEXATION

Contiguous land

60800. Contiguous land not a part of the district which consists of any unincorporated territory may be annexed to the district.

Potential benefit

60801. The land annexed shall be susceptible of service by the district and of being benefited by the district.

Petition

60802. A majority in number of the holders of title to any tract of land proposed to be annexed and who are also the holders of title to a majority in acreage and assessed value of the land, or a majority in number of the voters residing within the tract, may file with the secretary a petition signed by them containing a description of the land proposed to be annexed sufficient to identify it and praying that the land be annexed in the district.

Legal representatives

60803. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court may sign any petition or protest provided for in this article when authorized by the proper court, which authorization may be made without notice.

Form of petition

60804. The petition may consist of one or more separate instruments and each signature thereto shall be acknowledged or proved in the manner required to entitle an instrument to be recorded.

Evidence of ownership

60805. The last equalized assessment roll of each county containing land proposed by the petition to be included is prima facie evidence of the ownership of the land in that county proposed to be annexed and the names and number of the holders of title to the land.

Protest

60806. If the owners of a majority in acreage and assessed value of the land described in the petition file a written protest

at or before the hearing on the petition, the land shall not be annexed to the district.

Notice

60807. The secretary shall commence the publication of a notice of the filing of the annexation petition not more than 40 days after the filing of the petition.

Same Publication

60808. The notice shall be published in a newspaper of general circulation circulated within the district at least twice with an interval of at least six days between the first and last publication.

Same Content

60809. The notice shall contain:

(a) A statement of the purpose of the petition.

(b) A description of the land proposed to be annexed.

(c) The time of the hearing.

(d) An announcement that any persons interested in the proposed annexation may appear at the office of the board at the time of the hearing and file objections in writing showing cause, if any they have, why the land or any of it should not be annexed as proposed in the petition.

Time of hearing

60810. The time of the hearing specified in the notice shall be the regular meeting of the board next after the giving of the notice is complete.

Mailed notice

60811. The secretary shall, within two days after first publication of the notice, mail a copy to each person who has not signed the petition and to whom any land proposed to be annexed to the district was assessed on the last equalized assessment roll of the county containing that land at that person's address appearing on the assessment roll.

Effect of irregularity

60812. Irregularity or defect in mailing or failure to mail copies of the notice shall not in any manner impair nor invalidate the annexation of the land to the district.

Costs

60813. The petitioners shall advance to the secretary the cost of publication and mailing of the notice of the annexation hearing, and unless so advanced at the time of filing the petition or as provided by the board the secretary shall not publish nor mail the notice.

Hearing

60814. At the time and place specified in the notice or at the time to which the hearing may be adjourned the board shall hear the petition and all objections to it presented in writing.

Order of annexation

60815. The board after the hearing of any annexation petition shall by ordinance order the annexation of all or any part of the land described in the petition when as to the land to be annexed the board finds that the following are true:

(a) The petition complies with this chapter.

(b) The annexation of the land is authorized by this chapter.

(c) The annexation will be for the best interest of the district.

(d) The annexation of the land will be for the best interest of the land.

Annexation of a portion

60816. The board shall not determine that only a portion of the land shall be annexed unless the petitioners include a majority in number of the holders of title to the portion of the

land which is to be annexed and represent a majority in acreage and assessed value of that land.

Description

60817. The annexation ordinance shall contain a description of the land annexed to the district sufficient to identify the land.

Finding in petition

60818. A finding by the board in the annexation ordinance in favor of the genuineness and sufficiency of the petition for annexation and notice of the hearing of it is conclusive against all persons except the State upon suit by the Attorney General commenced within six months after the adoption of the ordinance annexing land to the district.

Annexation of public land

60819. The board, without petition except as required by the laws of the United States, may by resolution propose the annexation to the district of any public land of the United States which might, if privately owned, be annexed on petition.

Notice

60820. After the adoption of a resolution pursuant to Section 60819, the secretary shall publish a notice and otherwise comply with Sections 60807 to 60813, inclusive.

Hearing, order

60821. The board shall hold a hearing pursuant to the notice and if it finds that all requirements of this chapter and of the laws of the United States have been complied with, and that the annexation of all or part of the land is authorized by this chapter and will be for the best interest of the district and of the land to be annexed, the board shall by ordinance describe the land which is to be annexed and declare that the land is annexed to the district.

Conditions

60822. If no petition for the holding of an election for the disapproval and veto by the electors of any ordinance annexing land to the district is filed within the period provided by Section 60451 after the adoption of the ordinance, or if the petition is filed and at the election thereon the voters shall not disapprove and veto the ordinance, it shall be effective.

Filing of ordinance

60823. If the ordinance annexing land to the district is effective, the president and secretary shall, if no petition for disapproval and veto of such ordinance is filed within the time provided by law, or if such petition is filed and upon the election the electors shall not disapprove and veto said ordinance, file with the Secretary of State and with the county recorder of the county in which the district is situated certified copies of the ordinance and certificates stating said facts.

Certificate

60824. Within 10 days after he receives the certified copies of the ordinance and certificate of the president and secretary the Secretary of State shall issue his certificate reciting the annexation to the district of the land, describing it, and shall transmit to and file with the county clerk of the county in which the district is situated a certified copy of the certificate.

Same Effect

60825. From and after the date of the certificate of the Secretary of State the land therein described is annexed to the district and forms a part thereof and is subject to existing bond issues and indebtedness of the district.

Conditions upon annexation

60826. When the board finds that the annexation of any land without condition would work an injury as to the land

already within the district, the board may by resolution prescribe any conditions upon the annexation that the board deems just, which may include:

(a) Any condition which the board deems to be reasonably necessary to avoid injury as to the land already in the district.

(b) Payment of special taxes upon the land to be annexed.

(c) Special rates for district services to the land proposed to be included.

(d) A requirement that the land shall be annexed to and form a part of any improvement district then existing within the district.

(e) A requirement that the land to be annexed shall constitute one or more additional improvement districts.

(f) A requirement that the owners of the land to be annexed pay to the district a specific sum of money representing an equitable share of the cost of district facilities and improvements which benefit the land to be annexed

Adjournment 60827 If any conditions are prescribed by the board, it shall adjourn the hearing for not less than 30 nor more than 60 days.

Objections 60828. If at or prior to the adjourned hearing written objections to the annexation of the land subject to the conditions, signed and acknowledged by the majority in number of the holders of title to the land proposed to be annexed to the district and representing a majority in acreage and assessed value of the land are filed with the secretary, then the board shall by resolution at the hearing dismiss the petition.

Ordinance 60829. If the objections have not been so filed at the adjourned hearing the board may by ordinance declare that the land is annexed to the district subject to the prescribed conditions.

Conditions imposed by board 60830. Without any other proceedings than those necessary to comply with the laws of the United States and regulations issued thereunder, the board may by any ordinance providing for annexation to the district of any public land of the United States impose upon that land any conditions it deems just.

CHAPTER 2. DISSOLUTION

Manner 60850 Any district may be dissolved in the manner provided in this chapter.

Petition 60851. Fifteen percent of the electors or the owners of 15 percent in assessed value of the land and improvements in the district may propose the dissolution of the district by a petition filed with the secretary.

Evidence of ownership etc 60853. The latest general index of the books of affidavits of registration of voters and latest equalized assessment rolls of the county in which the district is situated are prima facie evidence of each of the following:

(a) The number and names of the electors.

(b) The value of the land and improvements in the district.

(c) The ownership of the land and improvements.

(d) The values of the individual parcels.

Contents of petition

60854. The petition for dissolution shall set forth all of the following:

(a) When the district was formed.

(b) Whether the district is or is not serving consumers of utility services.

(c) The amount of the bonded indebtedness, if any, the unpaid balance, and the amount of matured bonds.

(d) The amount of indebtedness other than bonded or a statement that there is none.

Same. Evidence

60856. The books and records of the district are prima facie evidence of the facts required to be stated in the petition.

60857. No district shall be dissolved while there is any unmatured bonded indebtedness outstanding.

Notice

60858. Upon receipt of the petition for dissolution the secretary shall within 40 days publish a notice of the petition in a newspaper of general circulation circulated within the district at least twice with an interval of at least six days between the first and last publication.

Same Contents

60859. The notice shall state that:

(a) A dissolution petition has been filed with the secretary.

(b) The board will hear the petition and all objections to it at the regular meeting of the board next after the giving of the notice is complete.

(c) The time of the hearing.

(d) The place of the hearing.

(e) That persons interested in the proposed dissolution may appear at the time and place mentioned to show cause, if any they have, why an election should not be held on the question of the dissolution of the district.

Hearing

60860. At the hearing, or any adjournment thereof, the board shall take evidence upon the petition, hear the petition, and hear all persons appearing either for or against the holding of an election to dissolve the district.

Same· Adjournment

60861. The board may adjourn the hearing from time to time, not exceeding in all 60 days.

Board action

60862. If at the hearing the board determines that the requirements of this chapter have been complied with, it shall by resolution:

(a) Determine the compliance.

(b) Provide for and order the holding of a district election on a specified date within 60 days thereafter to submit to the voters the proposition whether or not the district shall be dissolved.

(c) Recite the filing of the petition for dissolution.

Declaration of dissolution

60873. If a majority of the votes cast are in favor of the dissolution of the district, the board shall by resolution entered on its minutes do each of the following:

(a) State that a majority of the votes cast at the election favor the dissolution.

(b) Declare the district dissolved.

Same Entry in minutes

60874. Upon the entry in the minutes of the board of the resolution declaring the district dissolved the district is dissolved.

Same Filing

60875. A certified copy of the resolution shall be filed with the Secretary of State and a certified copy recorded with the county recorder of each county containing any part of the district.

Effect of defeat

60876. If less than a majority of the votes cast at the dissolution election favor the dissolution of the district, the dissolution is defeated and no new petition for dissolution shall be filed within one year after the election.

Outstanding indebtedness

60877. Any indebtedness of the district outstanding at the time of the dissolution shall be paid as provided in this chapter.

Title to assets

60878. If the district has any assets, the ownership thereof vests in the board of supervisors of the county in which such district is located.

Sale of assets

60879. The board of supervisors in which title to district assets vests shall sell the assets and use the receipts to pay the indebtedness of the district as it matures.

Same Deficit

60880. If an insufficient amount is secured from the sale of the assets to pay the indebtedness, the board of supervisors of the county in which the greatest portion of the district area is located shall from time to time cause taxes to be levied on the property in the district liable to taxation for the indebtedness and collected in a sufficient amount to pay the balance of the indebtedness as it matures.

Same Surplus

60881. If the receipts from the sale of the assets of the district are more than sufficient to pay its indebtedness, the remaining amount shall be paid into the general funds of each county in which the district is located, in the same proportions as the assessed values of the property within the portion of each county within the district.

CHAPTER 3. EFFECT OF INCLUSION IN INCORPORATED TERRITORY

Succession

60890. Whenever all the territory comprising a district becomes a part of any incorporated city, the legislative body of the city shall succeed to the powers of the board and shall thereafter, for all purposes, become board of directors of the district. All the property, records and documents of such district must be transferred and conveyed by the board to such legislative body upon the incorporation of such city.

Withdrawal of portion

60891. Whenever a portion of the territory comprising a district becomes a part of an incorporated city such portion may be withdrawn from the district in the manner provided for the withdrawal of territory from county sanitation districts by Division 5, Part 3, Chapter 3, Article 8b of the Health and Safety Code.

CHAPTER 1712

An act to add Chapter 12 of Part 1 of Division 6 of the Harbors and Navigation Code, creating the San Francisco Harbor Finance Board and prescribing its duties; providing for the issuance and sale of revenue bonds by the Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Finance Board as obligations of the Board of State Harbor Commissioners for San Francisco Harbor, payable from the revenues of said Board of State Harbor Commissioners for San Francisco Harbor, and prescribing the duties of state officers in respect to such bonds; defining the duties of said Board of State Harbor Commissioners for San Francisco Harbor, in respect to said bonds and the acquisition of public works from the proceeds thereof; authorizing the creation of a fund for the improvement of San Francisco Harbor by the construction of wharves, piers, sea walls, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith; providing for the purposes for which the proceeds of said bonds may be expended; providing for the incidents, security, terms, conditions, maturity, interest, denominations, form, registration, and transfer and interchange of such bonds; providing for the payment of the interest and principal of such bonds, and for their call before maturity and the conditions upon which such calls may be made; providing for the replacement of lost, destroyed, or mutilated bonds or coupons; exempting such bonds from certain taxes, and authorizing the investment of banks, trusts, and public funds in said bonds; providing for the rights and remedies of the holders of such bonds; providing for the issuance of refunding bonds and providing for the creation of designated funds.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1 Chapter 12 is added to Part 1 of Division 6 of the Harbors and Navigation Code, to read:

CHAPTER 12. SAN FRANCISCO HARBOR REVENUE BOND ACT OF 1951

Short title

3300. This chapter may be cited as "The San Francisco Harbor Revenue Bond Act of 1951."

Definitions

3301. The following terms wherever used or referred to in this chapter, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Board of State Harbor Commissioners. The term "Board of State Harbor Commissioners" or "board" means the Board of State Harbor Commissioners for San Francisco

Harbor as the same is constituted by the provisions of Division 6, Part 1 of the Harbors and Navigation Code of the State of California.

(b) San Francisco Harbor. The term "San Francisco Harbor" shall include all of the property under the jurisdiction of the Board of State Harbor Commissioners for San Francisco Harbor.

(c) San Francisco Harbor Bond Finance Board. The term "San Francisco Harbor Bond Finance Board" or "Bond Finance Board" means the board constituted pursuant to the provisions of this chapter.

(d) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Bond Finance Board, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this chapter, in order to obtain funds with which to carry out the purposes of this act, irrespective of the form of such obligation.

(e) Revenues. The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other income and receipts of whatever kind and character derived by, the Board of State Harbor Commissioners for San Francisco Harbor from the operation of the San Francisco Harbor, except such revenue as may have been or may be impounded or deposited in the "India Basin Sinking Fund" created pursuant to Chapter 407, Statutes 1909; Second San Francisco Seawall Sinking Fund created pursuant to Chapter 320, Statutes 1909; Third San Francisco Seawall Sinking Fund created pursuant to Chapter 602, Statutes 1913; and Fourth San Francisco Seawall Sinking Fund created pursuant to Chapter 835 of the Statutes of 1929, until or unless the issues of bonds whether heretofore or hereafter issued and interest thereon secured by each of the aforesaid funds are paid in full.

(f) Holder of Bonds. The term "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) Indenture. The term "indenture" means an agreement entered into by the Board of State Harbor Commissioners for San Francisco Harbor subject to the approval of the San Francisco Harbor Bond Finance Board, pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the Board of State Harbor Commissioners for San Francisco Harbor or by other instrument.

(h) Plan or Project. The term "plan" or "project" used in connection with this chapter means the program of

improvements to the San Francisco Harbor, including the construction of wharves, piers, seawalls, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith by the Board of State Harbor Commissioners on property within its jurisdiction.

(i) Person. The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(j) Number, Gender, Verbs: (1) The present tense includes the past and future tenses; and the future, the present.

(2) The masculine gender includes the feminine and neuter.

(3) The singular number includes the plural, and the plural the singular.

(4) "Shall" is mandatory and "may" is permissive.

San Francisco Harbor Bond Finance Board

3302. There is hereby created a San Francisco Harbor Bond Finance Board composed of the Governor, Director of Finance, State Controller, State Treasurer and President of the Board of State Harbor Commissioners, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. The Attorney General of the State shall be the legal adviser of the said finance board.

Action on bond resolution

3303. Whenever the Board of State Harbor Commissioners determines by resolution that a bond issue under this chapter is necessary or desirable in order to carry into execution any of the plans or projects authorized by this chapter, and so certifies to the San Francisco Harbor Bond Finance Board, then the said Bond Finance Board shall approve or disapprove said resolution, and, if it approves said resolution, it shall direct the Board of State Harbor Commissioners to cause the bonds to be prepared by the State Treasurer in accordance with the terms of the resolution.

(a) The San Francisco Harbor Bond Finance Board shall adopt such rules and regulations as may be necessary to enable it to exercise the powers and to perform the duties conferred or imposed upon it by this chapter.

(b) Nothing in this chapter contained shall be construed directly or by implication to be in anywise in derogation of or in limitation of powers conferred upon or existing in the Board of State Harbor Commissioners for San Francisco Harbor by virtue of provisions of the statutes of this State.

Validity of bonds

3304. The validity of the authorization and issuance of any revenue bonds by the Board of State Harbor Commissioners is not dependent on or not affected in any way by:

(a) Proceedings taken by the Board of State Harbor Commissioners for San Francisco Harbor for the acquisition, construction, maintenance or completion of any plan or project or any part thereof.

(b) Any contracts made by the Board of State Harbor Commissioners for San Francisco Harbor in connection with the acquisition, construction, maintenance or completion of any plan or project.

(c) The failure to complete any plan or project for which bonds are authorized to be issued.

Issuance, effect of bonds

3305. The Board of State Harbor Commissioners shall, subject to the approval of the San Francisco Harbor Bond Finance Board, issue revenue bonds in the name of the Board of State Harbor Commissioners for San Francisco Harbor and as the obligation of the Board of State Harbor Commissioners, but neither the principal of nor interest of any bond issued or sold pursuant to this chapter shall be or become a lien, charge or liability against the State of California, or against the Board of State Harbor Commissioners for San Francisco Harbor or against the San Francisco Harbor Bond Finance Board or against the property or funds of the foregoing, except to the extent of the pledge of revenues or part of revenue as may be provided by the indenture pursuant to which revenue bonds are issued, and every such bond issued pursuant to this chapter shall contain a recital of the fact thereof substantially as follows: "This bond is not a lien, charge or liability, as to either principal or interest, against the State of California or against the Board of State Harbor Commissioners for San Francisco Harbor or against the San Francisco Harbor Bond Finance Board or against the property or funds of either, except to the extent of the pledge of revenues or part of revenues, as provided by the indenture pursuant to which it is issued."

Terms, provisions of bonds

3306. The Board of State Harbor Commissioners may, subject to the approval of the San Francisco Harbor Bond Finance Board, enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer and interchange of any revenue bonds and coupons issued pursuant to this chapter, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

Covenants re security

3307. An indenture to which bonds are issued may include any and all covenants and agreements on the part of the San Francisco Harbor Bond Finance Board or the Board of State Harbor Commissioners for San Francisco Harbor as the Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Bond Finance Board, deems necessary or advisable for the better security of the bonds issued thereunder.

Payment of bonds, limitation on source

3308. An indenture shall provide the means by which payments of principal and interest of bonds shall be secured, but the indenture shall specifically provide that the revenue by which the payments of principal and interest of bonds issued under this chapter is secured shall not include such revenue as may have been or may be impounded or deposited in the India Basin Sinking Fund, the First San Francisco Seawall Sinking Fund, the Second San Francisco Seawall Sinking Fund, the Third San Francisco Seawall Sinking Fund, or the Fourth San Francisco Seawall Sinking Fund until or unless the issues of bonds whether heretofore or hereafter issued and interest due thereon secured by each of the aforesaid funds are paid in full.

Time of payment

3309. An indenture may include a clause relating to the bonds issued thereunder requiring the San Francisco Harbor Bond Finance Board or the Board of State Harbor Commissioners, or both, to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

Operation of project

3310. An indenture may include a clause relating to the bonds issued thereunder, requiring the Board of State Harbor Commissioners to operate the San Francisco Harbor and each and every project continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

Repairs, renewals, etc

3311. An indenture may include a clause relating to the bonds issued thereunder requiring the Board of State Harbor Commissioners to make all necessary repairs, renewals and replacements to any project and to the San Francisco Harbor, and to keep the San Francisco Harbor at all times in good repair, working order and condition.

Preservation, protection of security

3312. An indenture may include a clause relating to the bonds issued thereunder requiring the Board of State Harbor Commissioners to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

Protection against liens

3313. An indenture may include a clause relating to the bonds issued thereunder requiring the Board of State Harbor Commissioners to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, or upon the San Francisco Harbor, or which might impair the security of the bonds.

Limitation of right to sell, encumber, etc

3314. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the Board of State Harbor Commissioners to mortgage or otherwise encumber, sell, lease or dispose of any improvements, or to enter into any lease or agreement which impairs or impedes the operation of the San Francisco Harbor or of any project, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or

impedes the rights of the holders of the bonds with respect to such revenues.

Sinking fund

3315. An indenture may include a clause relating to the bonds issued thereunder requiring the Board of State Harbor Commissioners to fix, prescribe and collect rates, rentals or other charges in connection with the San Francisco Harbor sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charges in connection with such plan or project.

Pledge of revenues

3316. An indenture may include a clause relating to the bonds issued thereunder requiring the Board of State Harbor Commissioners to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or part of revenues or cause them to be applied only as provided in the indenture.

Specification of purpose

3317. An indenture may include a clause defining the power of the Board of State Harbor Commissioners in applying the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof.

Additional bonds

3318 An indenture may include a clause authorizing or limiting the power of the Board of State Harbor Commissioners to issue additional bonds for the purpose of acquiring, constructing or completing any project or any part thereof and the terms and conditions upon which such additional bonds may be issued.

Insurance

3319. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the Board of State Harbor Commissioners on the San Francisco Harbor or on any project, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

Defaults, acceleration of maturity, waiver

3320. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the Board of State Harbor Commissioners then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Effect of breach

3321. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the Board of State Harbor Commissioners, of any of the covenants, conditions, or obligations contained in any indenture.

Procedure for amendment

3322. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the Board of State Harbor Commissioners and the San Francisco Harbor Bond Finance Board and the vote or written

assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the Board of State Harbor Commissioners and the San Francisco Harbor Bond Finance Board may agree that bonds held by the board or by the State of California or any political subdivision thereof (including any public corporation, board or agency of any class or kind) shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

Trustee

3323. An indenture may include a clause providing that the Board of State Harbor Commissioners may designate a bank or trust company qualified to do business in this State, as a trustee for the board and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

Same

3324. An indenture may include a clause providing that the Board of State Harbor Commissioners may authorize any trustee appointed under Section 3323 hereof to collect, receive and hold revenues and may fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues deposited with it by or by authority of the San Francisco Harbor Bond Finance Board or the Board of State Harbor Commissioners. The indenture shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

Issues, series, divisions, etc

3325. An indenture may include a clause that the Board of State Harbor Commissioners may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Bond Finance Board, at or prior to the issue thereof.

Execution

3326. An indenture may include a clause that the Board of State Harbor Commissioners may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the San Francisco Harbor Bond Finance Board and by additional authentication by a trustee or fiscal agent appointed by said board. If any of the officers whose signatures or countersignatures appear upon the bond or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons. The seal of the Board of State Harbor Commissioners may be impressed or reproduced by facsimile on the bonds.

Lien

3327. An indenture may include a clause that the Board of State Harbor Commissioners may provide that the bonds and the interest thereon shall be secured by all or by part of revenues, and shall constitute such lien upon the revenues as may be provided for in the indenture.

Temporary bonds

3328. An indenture may include a clause providing that pending the actual issuance or delivery of bonds the Board of State Harbor Commissioners may, subject to the approval of the San Francisco Harbor Bond Finance Board, issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Replacement of bonds, coupons

3329. An indenture may include a clause that the Board of State Harbor Commissioners may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

Other clauses re security, marketability

3330. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable, including provisions for the employment of independent engineers, accountants and other experts for the benefit of the holders of revenue bonds.

Coupon bonds registered bonds

3331. Bonds may be issued as coupon bonds or as registered bonds. The Board of State Harbor Commissioners may, subject to the approval of the San Francisco Harbor Bond Finance Board, provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise, as the board may determine.

Maturities

3332. Bonds shall bear dates prescribed by the Board of State Harbor Commissioners with the approval of the Harbor Bond Finance Board. Bonds may be serial bonds or sinking fund bonds with such maturities as the board, with the approval of the Harbor Bond Finance Board, may determine. No bond, by its terms, shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different

dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Interest

3333. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually.

Callability

3334. Bonds may be callable upon such terms, conditions, and upon such notice as the Board of State Harbor Commissioners may determine, subject to the approval of the San Francisco Harbor Bond Finance Board, and upon the payment of such premium as may be fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Payment

3335. The Board of State Harbor Commissioners may, subject to the approval of the San Francisco Harbor Bond Finance Board, provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

Advertisement for bids

3336. Before selling the bonds, or any part of them, the State Treasurer shall advertise for bids at least two weeks in one or more of the daily newspapers of general circulation in San Francisco.

Bidding, rejection

3337. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder or bidders. If no bids are received, or if the State Treasurer determines that the bids received are not satisfactory as to price or responsibility of the bidders, the State Treasurer may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Sale to or by State

3338. The San Francisco Harbor Bond Finance Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds and may provide that the bonds shall be sold on the basis of the lowest net interest cost to the State, the coupon rates to be fixed by the successful bidder on the sale of the bonds, not exceeding the maximum rate herein provided. The San Francisco Harbor Bond Finance Board may authorize the State Treasurer to sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values.

Legal opinion as to validity of bonds

3339. Whenever the San Francisco Harbor Bond Finance Board deems that it will increase the salability or the price of the bonds to obtain a legal opinion as to the validity of the bonds prior to or after the sale from attorneys other than the Attorney General, the San Francisco Harbor Bond Finance Board may authorize the State Treasurer to obtain such a legal opinion. Payment for such legal services shall be made from the proceeds of the sale of the revenue bonds or any other funds

available to the Board of State Harbor Commissioners, on Controller's warrant duly drawn for that purpose.

Redemption

3340. The Board of State Harbor Commissioners may use and expend all or any part of any funds or proceeds of any property owned by it, whether received by gift, appropriation or otherwise, if not restricted as to the use of such funds or proceeds of property by the terms of any gift or trust or provision of law, for the redemption of bonds issued pursuant to the provisions of this chapter and the payment of interest due thereon.

Costs and expenses

3341. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Tax exemption

3342. Bonds issued pursuant to the provisions of this chapter and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Legal investments

3343. Notwithstanding any other provision of law all bonds sold and delivered pursuant to the provisions of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited, and may also be used as security for the deposit of public moneys in banks in this State.

Refunding bonds

3344. The Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Bond Finance Board may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the board. All provisions of this chapter applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

Same

3345. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date

of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotiability

3346. All bonds issued under the provision of this chapter are negotiable instruments, except when registered in the name of the registered owner.

Resolution by board

3347. Before issuing any bond or bonds pursuant to the provisions of this chapter, the Board of State Harbor Commissioners for San Francisco Harbor shall by resolution declare the purpose for which the proceeds of the bonds shall be expended and shall specify the maximum amount of bonds necessary for such purpose, and the San Francisco Harbor Bond Finance Board shall thereupon by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of bondholders, pursuant to amendment or modification of an indenture as provided in Section 3322 of this chapter. Nothing in this section contained shall be construed to prevent the Harbor Bond Finance Board from amending any such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The issuance of bonds for one or more plan or project may be included in a single resolution of authorization.

Authority for plans, projects

3348. The Board of State Harbor Commissioners for San Francisco Harbor has full charge of the acquisition, construction and completion of all plans or projects authorized by it and may proceed with such work forthwith.

Authority for construction

3349. The Board of State Harbor Commissioners for San Francisco Harbor may construct any project on property in its jurisdiction and acquire all property necessary therefor or necessary to accomplish the plans of the board in such manner and at such location and on such terms and conditions as it may deem advisable. A project may be constructed or acquired at any location within the jurisdiction of the board deemed by the Board of State Harbor Commissioners for San Francisco Harbor advisable for the accomplishment of the purposes of this chapter.

Title to funds, etc

3350. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the Board of State Harbor Commissioners and the income thereof pledged to the payment of the principal or interest on any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All property under the jurisdiction of the Board of State Harbor Commissioners, and the income therefrom, are exempt from all taxation by the State or by any county, city and county, city, district, political subdivision or public corporation thereof.

Operation, maintenance, etc.

3351. At all times the operation, maintenance, control, repair, construction, reconstruction, alteration and improvement of any plan or project are vested in the Board of State Harbor Commissioners.

Other funds

3352. The Board of State Harbor Commissioners may use for the payment of the costs of acquisition, construction or completion of any plan or project any funds made available to the board by the State of California or any other funds provided by the board from any source, to be expended for the accomplishing of the purposes set forth in this chapter, together with the proceeds of revenue bonds issued and sold by or for the board.

Insurance

3353. The Board of State Harbor Commissioners may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used for the payment of bonds and the interest thereon and as provided in the indenture.

Same

3354. The Board of State Harbor Commissioners may insure against public liability or property damage and against loss by fire or other hazards. The Board of State Harbor Commissioners may provide in an indenture for the carrying of such or other insurance in such amount and of such character as it shall determine, and for the payment of the premium thereon.

Rents, charges and fees

3355. The Board of State Harbor Commissioners shall fix rents, charges and fees for all plans or projects acquired, constructed or completed under the terms of this chapter for the use thereof by any persons utilizing the facilities thereof, subject to such contractual obligations as may be entered into by the Board of State Harbor Commissioners and the Harbor Bond Finance Board and the holders of bonds issued under this chapter. The Board of State Harbor Commissioners is authorized to change rents, charges and fees from time to time, as conditions warrant subject to the terms of the indenture authorizing the issuance of revenue bonds. All rents, charges and fees shall at all times be fixed to yield minimum annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due and also such other charges as may be provided for in the indenture.

Limits in competition

3356. The Board of State Harbor Commissioners may include in an indenture such limitations as to competitive plans or projects, both as to location and comparative rentals, as may be deemed necessary or desirable for the security of revenue bonds issued pursuant to this chapter.

Free use of facilities

3357. The Board of State Harbor Commissioners may also include in an indenture a covenant that no plan or project acquired, constructed or completed from the proceeds of revenue bonds issued by the Board of State Harbor Commissioners shall be used without charge therefor or any facilities thereof be furnished free of charge to any person.

Remedies of bondholder

3358. Except as provided otherwise in any indenture, the holder of any bond issued pursuant to this chapter may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the Board of State Harbor Commissioners or upon any official or employee or assumed by any thereof, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any plan or project, or the collection, deposit, investment, application and disbursement of rents, rates, charges, fees and all other revenues derived from the operation and use of any plan or project or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this chapter. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this chapter.

San Francisco Harbor Construction Fund

3359. The Board of State Harbor Commissioners may provide in an indenture that the proceeds from the sale of all revenue bonds authorized under this chapter shall be paid direct to any bank or trust company designated by the Board of State Harbor Commissioners, subject to the approval of the San Francisco Harbor Bond Finance Board as the trustee or depositary of the Board of State Harbor Commissioners, to be held in a separate account to be designated the "San Francisco Harbor Construction Fund" and to be disbursed in the manner and upon the conditions provided in the indenture for the acquisition, construction and completion of the plan or project, including the payment of the cost of all surveys, preparation of plans and specifications, and the payment of all architectural, engineering, legal, financial and administrative costs, and in addition for the payment of all costs and expenses of and incident to the issuance and sale of bonds and the payment of interest due or to become due on the bonds during the period of actual construction, and for such further period as may be specified in the indenture for the issuance of the bonds not exceeding two (2) years after the period of construction.

Trustee for board

3360. In the event that no trustee is appointed in the indenture, the State Treasurer shall act as trustee for the board and the holder of bonds issued hereunder and the Board of State Harbor Commissioners or the Harbor Bond Finance Board may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The board may provide in the indenture for the deposit of all revenues with such trustee to be held in a separate account in the Harbor Revenue Bond Fund, created by this chapter. The money in such fund shall be disbursed only as provided in the indenture.

Preparation of bonds

3361. Immediately after the adoption of a resolution by the Board of State Harbor Commissioners and its approval by the Harbor Bond Finance Board, directing the preparation of any bonds authorized under this chapter, the State Treasurer

shall provide for the preparation of the requisite number of suitable bonds of the denominations, and in accordance with the specifications contained in such resolution.

Same

3362. When authorized by resolution of the board, as provided in this chapter, the State Treasurer shall prepare and procure the printing or engrossing of bonds, coupons, indenture or other instruments and contracts or agreements of every kind required or convenient for or pertaining to the issuance or sale of bonds.

Proceeds of sale

3363. Unless the board has provided in the resolution for the deposit of the proceeds of sale with a trustee, as authorized by Section 3359, then such proceeds from the sale of all bonds authorized under the provisions of this chapter shall be deposited forthwith by the State Treasurer, in the State Treasury to the credit of a fund to be designated as the San Francisco Harbor Construction Fund, which fund is hereby created. The money in such construction fund shall be expended by the Board of State Harbor Commissioners, for the purposes authorized by this chapter, or as provided for in the indenture, and for such other purposes, subject to the restrictions provided by law or by the indenture, as may be authorized by resolution of the board approved by the Harbor Bond Finance Board.

Accounting

3364. Unless the board has provided in the resolution for the deposit of the revenue with a trustee, as authorized by Section 3324, then the revenues shall be transmitted by the board at least once in every calendar month to the State Treasurer, and all such revenues shall be accounted for and reported monthly by the board to the State Controller On order of the State Controller, the State Treasurer shall deposit to the credit of San Francisco Harbor Revenue Bond Fund (which fund is hereby created) such revenues or that part of such revenues as shall have been pledged by an indenture, as provided in Section 3316, to the payment of the principal of and interest on bonds issued as in this chapter provided or to any reserve or any fund created for the further protection of any such bonds. All revenues deposited to the credit of the San Francisco Harbor Revenue Bond Fund shall be applied only as provided in such indenture. All such revenues not so deposited to the credit of the San Francisco Harbor Revenue Bond Fund and all revenues remaining in said fund after all bonds issued under any indentures shall have been fully paid and discharged or provision for their payment and discharge irrevocably made shall be deposited by the State Treasurer to the credit of the San Francisco Harbor Improvement Fund provided for in Section 1706 of this code or in such other fund or funds as may be authorized or permitted by law, including any fund or funds provided for in any indenture, and subject to such restrictions as may be provided by law or by any indenture, shall be expended for the payment of the costs of operation and maintenance of the project authorized by this chapter or for any of the purposes provided by any indenture, or for such purposes as may be authorized by resolution of the board approved by the Harbor Bond Finance Board.

Investment of funds

3365. Unless the board has provided in the resolution for the deposit of the revenues with a trustee, as authorized by Section 3324, the moneys in the Harbor Revenue Bond Fund may be invested by the board, with the approval of the Director of Finance, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this chapter shall be held by the State Treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and, on order of the State Controller, shall be deposited in the State Treasury to the credit of the fund from which such interest or other earnings are derived.

Construction

3366. This chapter shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this chapter set forth.

Severability

3367. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the chapter. The Legislature hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

Effect on other acts

3368. This chapter shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds.

Cost of initial issue

3369. The Board of State Harbor Commissioners may appropriate out of any fund available to it sums sufficient to pay the cost of initially preparing and selling the initial issue of revenue bonds hereunder, which sums shall be repaid to the fund from which the sums were advanced out of the first proceeds of the sale of such revenue bonds.

CHAPTER 1713

Stats 1935, p 1226

An act to amend Sections 208 and 209 of the Unemployment Insurance Act, relating to disability benefits.

In effect September 22, 1951

[Approved by Governor July 23, 1951 Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 208 of the Unemployment Insurance Act is amended to read:

Disabled individual

Sec. 208. A disabled individual who is eligible to receive unemployment compensation disability benefits but for the fact that he is receiving wages or regular wages from his employer shall be paid unemployment compensation disability benefits for any day in an amount not to exceed his maximum daily amount

which together with the wages or regular wages do not exceed for such day $\frac{1}{7}$ of 70 percent of his weekly wage immediately prior to the commencement of his disability.

SEC. 2. Section 209 of the Unemployment Insurance Act is amended to read:

Same
Hospital confinement

Sec. 209. Commencing January 1, 1950, any disabled individual eligible for benefits under Article 10 of this act shall, during his confinement in a hospital, be entitled to receive in addition to all benefits otherwise provided in this act, and irrespective of his receipt of remuneration from his employer, the amount of eight dollars ($8) for each day not in excess of twelve (12) days in any one benefit year, during which he is so confined pursuant to orders of his physician; and any such individual shall not be subject to any waiting period requirement as a condition precedent to the receipt of any benefits under Article 10 of this act during the disability which caused such confinement.

Where the disabled individual eligible for additional benefits during hospital confinement has first given his written consent thereto with respect to a particular claim, the additional benefits during hospital confinement payable hereunder shall be paid directly to the hospital in which he is confined in accordance with rules and regulations adopted by the commission prescribing procedure governing such payments. Any additional benefits during hospital confinement in excess of the daily rate of charge for care, including special care or treatment by a hospital, shall be paid to the disabled individual as otherwise provided in this act.

Operative date

SEC. 3. This act shall become operative as of January 1, 1952.

CHAPTER 1714

Stats 1921 p lxxxii, amended

An act to add Section 9.5 to an act entitled "An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts and parts of acts inconsistent or in conflict herewith," approved as an initiative measure by the electors on November 2, 1920, relating to the ownership, use, and enjoyment of real property or of rights or interests therein; and making an appropriation.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 9.5 is added to the act cited in the title hereof, to read:

Refund

Sec. 9.5. The provisions of subdivision (a) of Section 9 of this act, as amended by the Statutes of 1945, Chapter 1129, having been declared unconstitutional by the United States Supreme Court, upon claim of any United States citizen defendant in an escheat action who made a compromise settlement or whose property was escheated prior to such decision, or his successor in interest, there shall be refunded the total amount paid by such defendant to the State under compromise or realized by the State from him or from his property under this act. Refunds shall bear interest at the rate of 3 percent per annum from the date such moneys were deposited in the State Treasury, to a date preceding the date of the refund warrant by not more than 30 days, as determined by the Controller. Any claim for refund under this section may be filed with the State Controller not later than six months after the effective date of this section. The Controller shall audit the claim and draw his warrant for the amount determined to be due.

Appropriation

There is hereby appropriated from the State Treasury the amount sufficient to pay refunds and interest under this section. That portion of the moneys to be refunded that was deposited in the School Land Fund shall be paid from that fund, and the balance to be refunded, including interest, shall be paid from the General Fund.

CHAPTER 1715

Stats 1949, p 2109, amended

An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the San Francisco World Trade Center Authority and for the purposes of the authority, and providing for the return thereof" approved July 25, 1949, relating to the San Francisco World Trade Center Authority.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Transfer of money

Section 1. The Board of State Harbor Commissioners for San Francisco Harbor is authorized to direct the Controller to transfer the sum of three hundred thousand dollars ($300,000), or so much thereof as may be necessary as determined and requested by the San Francisco World Trade Center Authority, from the San Francisco Harbor Improvement Fund to the Special Deposit Fund in the State Treasury to the credit of said authority, to be expended by the said authority in the manner and for the purposes authorized under the provisions of the World Trade Center Authorities Act approved July 17, 1947, Chapter 1508, Statutes of 1947, including, but not limited to, expenses for surveys, plans, estimates, preliminary engineering and other expenses (preliminary or otherwise) incident to the

acquisition, construction, financing, promotion and operation of a world trade center in the City and County of San Francisco; provided, that no advances shall be made hereunder which in the opinion of the said board for San Francisco Harbor would prevent said board from meeting its current obligations from said San Francisco Harbor Improvement Fund under the Harbors and Navigation Code. The said San Francisco World Trade Center Authority and the said board for San Francisco Harbor shall agree in writing upon the terms and conditions under which repayment to the said board may be made of the moneys transferred hereunder, which agreement shall be subject to the approval of the Director of Finance, and which agreement may provide for repayment solely from the proceeds of the sale of revenue bonds issued with respect to the San Francisco World Trade Center under the provisions of said World Trade Center Authorities Act if and when sold. The said agreement from time to time may be modified by the parties thereto with the consent of the Director of Finance.

Any funds transferred under this act shall be available to the San Francisco World Trade Center Authority until June 30, 1954. Duration

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CHAPTER 1716

An act to amend Sections 2502 and 2503 of the Education Code, relating to school districts.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 2502 of the Education Code is amended to read:

2502. The boundaries of school districts may be changed only when at least 25 percent of the registered electors, residing in the territory to be transferred from one district to another district by the proposed change of boundaries, present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the changes. Change of school district boundaries

SEC. 2. Section 2503 of said code is amended to read:

2503. When a petition for a change of boundaries is presented, the county superintendent of schools shall examine the petition. If he finds it sufficient and signed as required by law, he shall transmit a copy of the petition to the governing board of each district affected by the proposed change of boundaries. He shall set the petition for hearing by the board of supervisors at a regular meeting of the board, but such hearing shall be more than 60 days after receipt of copies of the petition by such governing boards. He shall file the petition with the board of supervisors accompanied by his recommendation and a notice containing a general statement of the purpose of the petition, and of the change of boundaries, and the time and place when and where the petition will be heard. Petition

CHAPTER 1717

An act to validate the organization of a county water district.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

Validation

SECTION 1. The West Side County Water District is hereby declared to be a properly formed and legally organized county water district under the County Water District Law.

CHAPTER 1718

An act to amend Sections 14116, 14123, 14136, 14137, 14138, and 14142 of the Education Code, relating to the merit system for noncertificated school employees.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 14116 of the Education Code is amended to read:

Personnel director

14116. The commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the commission. The commission shall also appoint all other employees paid from funds budgeted for the support of the commission from eligibility lists established pursuant to the provisions of this article.

SEC. 2. Section 14123 of said code is amended to read:

Discrimination

14123. No questions relating to political or religious opinions or affiliations, race, color, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

SEC. 3. Section 14136 of said code is amended to read:

Certification for payment

14136. No warrant shall be drawn by or on behalf of the governing board of any district for the payment of any salary or wage to any employee in the classified service unless the assignment bears the certification of the personnel director that the person named in the assignment has been employed and assigned pursuant to this article and the rules of the commission.

Appointment in violation of article

Whenever the commission, after a public hearing, finds that any appointment has been made in violation of this article or the rules of the commission as they apply to examination procedures, the commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services

rendered after the date of said order. Any violation of this article or the rules of the commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees guilty of such violation.

SEC. 4. Section 14137 of said code is amended to read:

14137. The commission may conduct hearings, subpena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the commission have been complied with. Hearings may be held by the commission on any subject to which its authority may extend as described in this article. Investigations

SEC. 5. Section 14138 of said code is amended to read:

14138. The counsel of the governing board shall aid and represent the commission in all legal matters, and if he refuses, the commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the district. Attorneys

SEC. 6. Section 14142 of said code is amended to read:

14142. Any person who wilfully or through culpable negligence violates any of the provisions of this article is guilty of a misdemeanor. It is also unlawful for any person: Penalty

(a) Wilfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article or commission rule.

(b) Wilfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.

(c) Wilfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or commission rule.

CHAPTER 1719

An act to amend Sections 2160 and 2350 of the Welfare and Institutions Code, relating to old age security to inmates of private institutions.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions: Requirements for obtaining aid

Age

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the Federal Government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

Citizenship

(b) Who is a citizen of the United States;

Residence qualifications

(c) Who possesses either of the following residence qualifications:

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application;

(2) During such time as grants-in-aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

Same

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon;

Inmates of public institutions

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding two calendar months in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application. The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a

boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provide for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need;

Lack of adequate support

(f) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

Assignment, etc of property

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 2. Section 2350 of said code is amended to read:

Transfer to organizations maintaining home

2350. Any organization or person maintaining a home for the aged may receive transfers of property conditioned upon his agreement to furnish life care or care for a period of more than one year, which may include the cash payment of personal and incidental expenses, to the transferor or his nominee, when granted a certificate of authority by the State Department of Social Welfare; provided, such organization or person has received a written license or permit pursuant to Chapter 2 of this division.

CHAPTER 1720

An act to amend Section 737q of the Political Code and Section 79.17 of the Code of Civil Procedure, relating to the salary of the superior court judge of Lake County.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 737q of the Political Code is amended to read:

Lake County Superior Court judges Salaries

737q. The annual salary of the Judge of the Superior Court in and for the County of Lake is ten thousand seven hundred fifty dollars ($10,750).

SEC. 2. Section 79.17 of the Code of Civil Procedure is amended to read:

Same

79.17. The annual salary of the Judge of the Superior Court in and for the County of Lake is ten thousand seven hundred fifty dollars ($10,750).

SEC. 3. Section 2 of this act becomes operative only if Section 737q of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

CHAPTER 1721

An act to add Chapter 1.7 to Division 1 of the Welfare and Institutions Code, relating to solicitation of funds for charitable purposes.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.7 is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 1.7. SOLICITATION OF CHARITABLE CONTRIBUTIONS

Application

147. Except as provided in Section 147.1, this chapter shall be applicable to any person, nonprofit corporation or voluntary unincorporated association soliciting charitable contributions in this State where the value of what is solicited may exceed twenty-five thousand dollars ($25,000) per annum. Contributions solicited for political purposes or for the purpose of influencing legislation, shall not be deemed to be charitable contributions within the meaning of this chapter.

Same

147.1. This chapter does not apply to:

(1) A church or organization of churches of any denomination, or any nonprofit agency duly constituted by a church, churches, or denominations, to carry on religious education, interdenominational operations, or the like.

(2) An institution of learning authorized by the State to grant degrees.

(3) A hospital licensed by the State.

(4) Any institution licensed by the Department of Social Welfare.

(5) Any Community Chest, the by-laws of which require that its books be audited by a public accountant holding a permit to practice public accountancy issued by the State Board of Accountancy to certified public accountants and to registered public accountants or by a certified public accountant of any other state, and any member agency of such Community Chest which requires as a condition of membership that the books and records of the agency be audited by a public accountant holding a permit to practice public accountancy issued by the State Board of Accountancy to certified public accountants and to registered public accountants or by a certified public accountant of any other state.

(6) The Red Cross.

(7) The Salvation Army.

Audit

147.2. (a) Any person, nonprofit corporation or voluntary unincorporated association to which this chapter is applicable shall file annually with the Department of Social Welfare a copy of an audit of its books and other financial records certified by a public accountant holding a permit to practice

public accountancy issued by the State Board of Accountancy to certified public accountants and to registered public accountants or by a certified public accountant of any other state.

(b) Any person, nonprofit corporation or voluntary unincorporated association to which this chapter is applicable and which transfers to an employer, or affiliated or parent organization outside of this State, more than 5 percent of the funds collected within this State shall also file annually with the Department of Social Welfare, a certified copy of an audit by a public accountant holding a permit to practice public accountancy issued by the State Board of Accountancy to certified public accountants and to registered public accountants or by a certified public accountant of any other state of the books and other financial records of such employer, or affiliated or parent organization.

Statement

(c) Any person, nonprofit corporation or voluntary unincorporated association which has not solicited charitable contributions during the preceding year shall file with the department a statement showing:

(1) The purpose of the solicitation and use of the contribution to be solicited;

(2) A specific statement, supported by reasons and, if available, figures, showing the need for the contribution proposed to be solicited;

(3) The character of such solicitation and how it will be made or conducted;

(4) The expenses of the solicitation, including salaries and other items, if any, regardless of from what funds such expenses are payable;

(5) What portion of the contributions collected as a result of the solicitation will remain available for application to the specific purposes declared in the notice of intention as the object of the solicitation;

(6) The names and addresses of the officers and directors of any nonprofit corporation or voluntary unincorporated association for which the solicitation is proposed to be made;

(7) A copy of the resolution, if any, of any such body authorizing such solicitation, certified to as a true and correct copy of the original of such resolution by the officer of such body having charge of the records thereof;

(8) A statement that the signers of such notice have read and are familiar with the provisions of this chapter and will require all solicitors engaged in such solicitation to read and be familiar with all sections of this chapter prior to making any such solicitation.

Public records

147.3. The copies of the audits required to be filed with the Department of Social Welfare pursuant to this chapter shall be public records and any citizen may procure from the department a certified copy thereof upon payment of the fees prescribed by law.

Penalty

147.4. A violation of any provision of this chapter is a misdemeanor.

CHAPTER 1722

An act to add Section 6060.8 to the Business and Professions Code, relating to bar examinations of veterans.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 24, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 6060.8 is added to the Business and Professions Code, to read:

Bar examinations of veterans

6060.8. The provisions of subdivisions (d) and (h) of Section 6060 do not apply to any person who meets all of the following requirements: (1) has entered the armed forces of the United States during the period between December 7, 1941, and September 2, 1945, and has served in such forces continuously for at least one year; (2) has after May 1, 1950, and prior to the termination of hostilities between the United States and North Korea, or prior to the termination of hostilities between the United States and any other nation arising subsequent to the effective date of this section, as determined by act of Congress or proclamation of the President, graduated from a law school accredited by the examining committee at the time of such graduation; (3) has, after such graduation and prior to the date of the next final bar examination, entered upon active duty in the armed forces during a period of hostilities between the United States and any other nation, or has, during such hostilities, received orders to enter upon such active duty prior to the date of the next final bar examination, and thereafter actually enters upon such active duty within 15 days after the date of said final bar examination; and (4) who was a bona fide resident of this State for a period of at least one year immediately preceding the date of entering upon active duty in the armed forces after May 1, 1950.

Duration

This section shall remain in effect until September 30, 1953. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

CHAPTER 1723

An act to add Section 31022.5 to the Water Code, relating to county water districts.

In effect September 22, 1951

[Approved by Governor July 23, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 31022.5 is added to the Water Code, to read:

31022 5. The powers conferred by this part include the power to generate and sell at wholesale hydroelectric power in connection with any water conservation project of the district. Power to generate, etc., hydroelectric power

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CHAPTER 1724

An act to amend Sections 410 and 432 of the Education Code, relating to county school superintendents.

[Approved by Governor July 23, 1951. Filed with Secretary of State July 25, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 410 of the Education Code is amended to read:

410. The annual salary of the county superintendent of schools of a county of the tenth class is twelve thousand dollars ($12,000), and he shall possess a valid general administrative credential issued by the State Board of Education Superintendent of schools San Mateo County

SEC. 2. Section 432 of said code is amended to read:

432. The annual salary of the county superintendent of schools of a county of the thirty-second class is seven thousand five hundred dollars ($7,500), and he shall possess a valid general administrative credential issued by the State Board of Education. Mendocino County

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CHAPTER 1725

An act to amend Sections 1, 5, and 6 of the City Carriers' Act, Section 12 of the Household Goods Carriers Act, and Sections 3981, 3982, 3983, and 5161 of the Public Utilities Code, relating to carriers. Stats 1935, p 1057 amended Stats 1951, Ch 764

[Approved by Governor July 23, 1951. Filed with Secretary of State July 25, 1951.] In effect September 22 1951

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the City Carriers' Act is amended to read:

Sec. 4. The Railroad Commission shall, in granting permits under the provisions of this act, require the carrier to procure, and continue in effect during the life of the permit, adequate protection, as required in Section 5 hereof against liability imposed by law upon such carrier for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of such carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than Protection against liability

thirty thousand dollars ($30,000); and protection in an amount not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission may, upon its own motion or upon the application of any interested party, and after hearing, require any city carrier to procure and maintain cargo insurance in such amounts and upon such terms as the commission may determine.

SEC. 2. Section 5 of said act is amended to read:

Evidence of protection

Sec. 5. The protection required under Section 4 shall be evidenced by the deposit with the Railroad Commission, covering each vehicle used or to be used under the permit applied for, of a policy or policies of insurance, issued by a company licensed to write such insurance in the State of California; or a bond of a surety company licensed to write surety bonds in the State of California. With the consent of the Railroad Commission a copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the Railroad Commission in lieu of the original or a duplicate or counterpart of said policy.

SEC. 3. Section 6 of said act is amended to read:

Suspension, etc., of permits

Sec. 6. The protection against liability as outlined in Section 4 hereof must be continued in effect during the life of the permit. The commission shall have power, with or without hearing, to suspend or revoke any permit issued under this act for failure to comply with the requirements of Sections 4 and 5 hereof. The policy of insurance or surety bond shall not be cancelable on less than thirty (30) days written notice to the Railroad Commission. The Railroad Commission shall have the power to establish such rules and regulations as may be necessary to carry out the provisions of Sections 4 to 6, inclusive.

SEC. 3.5. Section 12 of the Household Goods Carriers Act is amended to read:

Protection against liability

Sec. 12. The commission shall, in granting permits pursuant to this act, require the household goods carrier to procure, and continue in effect during the life of the permit, adequate protection, against liability imposed by law upon the carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of the household goods carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than thirty thousand dollars ($30,000); and protection in an amount of not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission may, upon its own motion or upon the application of any interested party, and after hearing, require

any household goods carrier to procure and maintain cargo insurance in such amounts and upon such terms as the commission may determine.

Evidence of protection

The protection required under this section shall be evidenced by the deposit with the commission covering each vehicle used or to be used under the permit applied for,

(1) Of a policy or policies of insurance, issued by a company licensed to write such insurance in the State; or

(2) Of a bond of a surety company licensed to write surety bonds in the State.

With the consent of the commission a copy of an insurance policy, certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of the policy, or a certificate of insurance issued by the company issuing the policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of the policy.

The protection against liability shall be continued in effect during the active life of the permit. The policy of insurance or surety bond shall not be cancelable on less than thirty (30) days written notice to the commission.

The commission may establish such rules as are necessary to enforce this section.

NOTE: The sections of the Public Utilities Code affected by this chapter appear in their proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

Effect Stats 1951, Ch 764

SEC. 7. Sections 4, 5, 6, and 6.5 of this act become operative only if Division 2 of the Public Utilities Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 2 takes effect, at which time Sections 4, 5, and 6 of the City Carriers' Act and Section 12 of the Household Goods Carriers Act are repealed.

CHAPTER 1726

An act to amend Sections 5, 6, and 7 of, and to add Section 3¼ to, the Highway Carriers' Act, and to amend Sections 3631, 3632, 3634, 5109, 5112, 5113, 5133, and 5133.5 of, and to add Section 3574 to, the Public Utilities Code, relating to highway carriers.

Stats 1935, p 878, amended

[Approved by Governor July 23, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 3¼ is added to the Highway Carriers' Act, to read:

Authorization of sale, etc., of permit

Sec. 3¼. Any permit issued pursuant to Section 3 shall not be sold, leased, assigned, transferred or otherwise encumbered by the holder thereof without first having secured from the Railroad Commission an order authorizing the same. Any

such sale, lease, assignment, transfer or encumbrance made otherwise than in accordance with the order of the Railroad Commission authorizing the same shall be void.

SEC. 2. Section 5 of said act is amended to read:

Protection against liability

Sec. 5. The Railroad Commission shall, in granting permits under the provisions of this act, require the highway carrier to procure, and continue in effect during the life of the permit, adequate protection, as required in Section 6 hereof, against liability imposed by law upon such highway carrier for the payment of damages for personal bodily injuries (including death resulting therefrom) in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of such highway carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than thirty thousand dollars ($30,000); and protection in an amount of not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission may, upon its own motion or upon the application of any interested party, and after hearing, require any highway carrier subject to this act, to procure and maintain cargo insurance in such amounts and upon such terms as the commission may determine.

SEC. 3. Section 6 of said act is amended to read:

Evidence of protection

Sec. 6. The protection required under Section 5 shall be evidenced by the deposit with the Railroad Commission, covering each vehicle used or to be used under the permit applied for, of a policy or policies of insurance, issued by a company licensed to write such insurance in the State of California; or of a bond of a surety company licensed to write surety bonds in the State of California. With the consent of the Railroad Commission a copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the Railroad Commission in lieu of the original or a duplicate or counterpart of said policy.

SEC. 4. Section 7 of said act is amended to read:

Duration of protection

Sec. 7. The protection against liability as outlined in Section 5 hereof must be continued in effect during the active life of the permit, and the policy or policies of insurance or surety bond shall not be cancellable on less than thirty (30) days written notice to the Railroad Commission. The Railroad Commission shall have power to establish such rules and regulations as may be necessary to carry out the provisions of Sections 5 to 7 inclusive.

NOTE: The sections of the Public Utilities Code affected by this chapter appear in their proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code

SEC. 9. Sections 5 to 8, inclusive, of this act become operative only if Division 2 of the Public Utilities Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 2 takes effect, at which time Sections 3¼, 5, 6, and 7 of the Highway Carriers' Act are repealed. Effect Stats. 1951, Ch. 764

NOTE: The sections of the Public Utilities Code affected by this chapter appear in their proper place in that code, Chapter 764 of Statutes of 1951, as required by Section 9762 of the Government Code.

CHAPTER 1727

An act to repeal Chapter 3, comprising Sections 1200 to 1304, inclusive, of Division 2 of the Business and Professions Code, and to add Chapter 3, comprising Sections 1200 to 1322, inclusive, to Division 2 of said code, relating to the regulation of clinical laboratories, clinical laboratory technologists, clinical laboratory technicians, and clinical laboratory technician trainees, and making an appropriation

[Approved by Governor July 23, 1951. Filed with Secretary of State July 25, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Chapter 3, comprising Sections 1200 to 1304, inclusive, of Division 2 of the Business and Professions Code is repealed. Repeal

SEC. 2. Chapter 3, comprising Sections 1200 to 1322, inclusive, is added to Division 2 of said code, to read:

CHAPTER 3. CLINICAL LABORATORY TECHNOLOGY

Article 1. Definitions

1200. Every provision of this chapter shall be liberally construed to protect the interests of all persons affected. Construction

1201. As used in this chapter, "person" includes firm, association, and corporation. "Person"

1202. As used in this chapter, "board" means the State Board of Public Health and "department" means the State Department of Public Health. "Board," "department"

1203. As used in this chapter, "clinical laboratory technologist" means any person licensed under this chapter to engage in the work and direction of a clinical laboratory. "Clinical laboratory technologist"

1204. As used in this chapter, "clinical laboratory technician" means any person other than a licensed clinical laboratory technologist or registered clinical laboratory technician trainee who is licensed or registered under this chapter to perform the technical procedures called for in a clinical laboratory under the direction of a clinical laboratory technologist or physician and surgeon. "Clinical laboratory technician"

1205. As used in this chapter, "clinical laboratory technician trainee" means any person registered under this chapter "Clinical laboratory technician trainee"

for the purpose of receiving comprehensive practical experience and instruction in clinical laboratory procedures under the direct and responsible supervision of a duly licensed physician and surgeon, clinical laboratory technologist, or clinical laboratory technician in a clinical laboratory certified for this purpose by the department under this chapter.

"Clinical laboratory"

1206. As used in this chapter, "clinical laboratory" means any place, establishment, or institution organized and operated for the practical application of one or more of the fundamental sciences by the use of specialized apparatus, equipment, and methods for the purpose of obtaining scientific data which may be used as an aid to ascertain the presence, progress, and source of disease in human beings.

Article 2. Administration and Regulation

Safe operation

1220. The board shall by regulation require that all clinical laboratories be conducted, maintained, and operated without injury to the public health.

Examinations

1221. The department may employ special examiners, and the board may make regulations for the conduct of examinations under this chapter.

Approval of schools

1222. The department may approve schools providing instruction in clinical laboratory technic which in the judgment of the department will provide instruction adequate to prepare individuals to meet the requirements for licensure under this chapter.

Approval of clinical laboratories

1223. The department may approve clinical laboratories desiring to employ clinical laboratory technician trainees for training purposes upon satisfactory evidence that said laboratories possess qualified personnel and are equipped to carry out all of the laboratory procedures commonly required in the following fields: bacteriology, serology, parasitology, hematology, and biochemistry; and that the scope of activities of said laboratories offer sufficient training in said laboratory procedures.

Employment of inspectors, etc

1224. The department may employ inspectors, special agents, and investigators, and any such clerical and technical assistance as it may deem necessary to administer the provisions of this chapter and may incur such other expenses as it may deem necessary.

Regulations

1225. The board shall make such regulations as may be necessary for the enforcement of this chapter.

Inspection, etc

1226. Agents of the department may inspect and inquire into the methods and equipment used by clinical laboratories operating under this chapter. The department may cooperate with or assist persons licensed under this chapter, or other qualified persons, in evaluating laboratory procedures and technics and in recommending the preferred procedures and technics for use in clinical laboratories.

Directory of licensees

1227. Each biennium the department may compile and may thereafter publish and sell a directory of persons within the State licensed under the provisions of this chapter who hold un-

forfeited and unrevoked certificates. This directory is to be distributed without charge to licentiates of this chapter. The directory may also contain a copy of the provisions of this chapter and regulations relating thereto and such other information as the department may determine advisable. Every person licensed or registered under this chapter shall file his address with the department and shall report within 15 days any change of address, giving both the old and the new address.

Article 3. Application of the Chapter

Authority to practice medicine

1240. This chapter does not authorize any person to practice medicine and surgery or to furnish the services of physicians for the practice of medicine and surgery. This chapter does not repeal or in any manner affect any provision of this code relating to the practice of medicine.

Application

1241. This chapter does not apply to a clinical laboratory operated by any of the following:

(a) The State of California, or the United States of America, or any department, official, or agency thereof.

(b) An individual licentiate of the healing arts for laboratory work performed on his own patients and within the scope of his license privileges; provided, however, that if the laboratory receives direct or indirect referred work from any other source all provisions of this chapter shall apply.

Venipuncture, etc

1242. A duly licensed clinical laboratory technologist or clinical laboratory technician may perform venipuncture or skin puncture for test purposes upon specific authorization from any person in accordance with the authority granted under any provisions of law relating to the healing arts, or granted under the Chiropractic Act.

Same

1243. A student or registered clinical laboratory technician trainee regularly matriculated in any college or university accredited by the American Association of Universities or in any legally chartered school approved by the department or receiving training in any clinical laboratory approved by the department may perform venipuncture and/or skin puncture as a part of the necessary training program when done under the direct and responsible supervision of a licensed clinical laboratory technologist, technician, or physician and surgeon.

Application

1244. The provisions of this chapter do not apply to bona fide investigational or consultative clinical laboratory procedures performed by members of the faculty in the course of their employment in institutions accredited by the American Association of Universities.

Article 4. Licensing

Requirements

1260. The board shall issue a clinical laboratory technologist's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more

established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the American Association of Universities with a major work for such degree in one of the biological or chemical sciences who has had a minimum of five years' experience, at least one year of which must have been immediately antecedent to admission to the examination, either as a licensed clinical laboratory technician or its equivalent performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory satisfactory to the department, and whom the board finds by written, oral, and practical examination to be properly qualified. The board shall establish by regulation the required courses to be included in the college or university training. The following may be accepted as equivalent of, and substituted for, experience to a maximum of three years for such experience: (1) a master's degree in fundamental medical sciences, one year; (2) a doctorate in fundamental medical sciences, two additional years.

Examinations

1261. The board shall issue a clinical laboratory technician's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants. The examinations for license to work in a clinical laboratory as a technician shall cover the field of the five subjects of bacteriology, serology, biochemistry, hematology, and parasitology, except that the examination for a special clinical laboratory technician's license in biochemistry, bacteriology and serology, or parasitology, shall be concerned only with the subject or subjects in which the license is to be issued. The prerequisites for entrance into the examination shall be one of the following:

Prerequisites for examination

(a) Completion of a regular four-year college or university curriculum in medical or clinical laboratory technic with a degree of bachelor of arts or bachelor of science in a college or university approved by the department, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technician trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the American Association of Universities with a degree of bachelor of arts or bachelor of science and a major in bacteriology, biochemistry, or essentially equivalent subject or subjects as may be determined by the department plus one year as a clinical laboratory technician trainee or the equivalent as determined by the department in a clinical laboratory approved by the department. One year of practical experience in a public health laboratory may be accepted if such experience or if university or college courses included practical work in clinical biochemistry and hematology;

(c) Graduation from high school or the equivalent as determined by the department with a minimum of five years' experience as a clinical laboratory technician trainee or the equivalent as determined by the department doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department, except that university or college work which includes courses in the fundamental sciences may be substituted for such experience to a maximum of four years in the ratio of 30 semester hours or equivalent quarter hours for each year of experience, and further, except that time spent in a school approved by the department under Section 1222 of this chapter shall count as acceptable experience on a month for month basis; provided, however, that an applicant seeking admittance to the examination on or after January 1, 1957, must have completed high school and 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department: general inorganic chemistry—8; quantitative analysis—3; basic biological sciences—8; bacteriology—4; in addition to experience of not less than three years duration of the type specified in this subsection (c).

Examination required

1262. No license as a clinical laboratory technician shall be issued by the board except after examination; provided, that, when delay in meeting these requirements would work a hardship, a temporary clinical laboratory technician's license may be issued to an individual who by training or experience is apparently qualified; provided, however, that no person shall be issued such temporary license if he has failed a previous examination for said license.

Registration of trainee

1263. The department shall register as a clinical laboratory technician trainee each qualified person, upon application and payment of the fee required for such registration, who desires a trainee status in any laboratory or school, other than a college or university accredited by the American Association of Universities, that is approved by the department to give such training. In order to qualify for registration an applicant must have a high school diploma; provided, however, that after January 1, 1957, an applicant must meet the requirements of Section 1261 (c) of this chapter. Registration certificates shall not be issued for a period in excess of two years after completion of the minimum training period required for the trainee to qualify for the clinical laboratory technician's examination.

Scope of license

1264. Licenses issued under this chapter may cover work in any one basic science, or may cover proficiency in the entire field of clinical laboratory work.

Issuance of permit

1265. The board shall issue a clinical laboratory permit to any person who has applied for said permit on forms provided by the department and who is found to be in compliance with the provisions of this chapter. The application shall include the name or names of the owner or the owners, the name of the director, and the name and location of the laboratory,

and such other information as may be required by the department. Application shall be made by the owner of the laboratory and the director prior to its opening. A permit to conduct a clinical laboratory where the owner is not the director shall be issued jointly to the owner and the director and for the premises stated therein, and they shall be severally and jointly responsible to the department for the maintenance and conduct thereof or for any violations of the provisions of this chapter and regulations pertaining thereto. The board shall not issue a permit until it is satisfied that the clinical laboratory will be operated within the spirit and intent of this chapter, that the owner and director are each of good moral character, and that the granting of such permit will not be in conflict with the interests of public health; provided, however, that all persons operating laboratories in compliance with the provisions of this chapter on the effective date of this act shall receive a permit upon compliance with the application and reporting procedures required under this section and upon payment of the required fee. A separate permit must be obtained for each location. A permit shall be automatically revoked if there is a change of address, director, or ownership of the laboratory. However, a new permit may be secured for the new location, director, or owner prior to the actual change provided that the contemplated change is in compliance with all the provisions of this chapter and regulations pertaining thereto. The permit shall be valid for the calendar year for which it is issued. Any revocation of a permit under this section shall be conducted in compliance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Display of license

1266. Any person maintaining, conducting, or operating a clinical laboratory shall display in a prominent place in the clinical laboratory the license of each person supervising and directing the clinical laboratory, the clinical laboratory permit, and the license or registration certificate of each person performing the technical procedures called for in a clinical laboratory.

Suspension etc., of license, etc

1267. A license or permit under this chapter may be suspended or revoked by the board for good cause after hearing on notice in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Duplicate license

1268. Upon filing application therefor, containing such information as the department may require, and the payment of the license or certificate fee, the department shall issue to any person duly licensed under this chapter a duplicate license or registration certificate for one previously issued or, where there has been a change of name, another license or registration certificate in lieu of one previously issued.

Article 5. Offenses Against the Chapter

Necessity for license

1280. It is unlawful for any person to act as a clinical laboratory technologist unless he is licensed in that capacity under this chapter.

Same

1281. It is unlawful for any person to act as a clinical laboratory technician unless he is licensed in that capacity under this chapter.

Necessity for permit

1282. It is unlawful for any person to own, operate, maintain, direct, or engage in the business of operating a clinical laboratory, as herein defined in this chapter, unless he possesses a valid clinical laboratory permit duly issued to him by the board.

Qualified examiners, etc.

1283. It is unlawful for any person to make any test or examination in a clinical laboratory unless the person is one of the following:

(a) A licensed clinical laboratory technician in the subject or subjects concerned with the test or examination.

(b) A licensed clinical laboratory technologist.

(c) A physician and surgeon licensed under the chapter on medicine of this code.

(d) A registered clinical laboratory technician trainee under direct and responsible supervision.

Qualified supervisors, etc

1284. It is unlawful for any person to conduct, maintain, or operate a clinical laboratory unless such clinical laboratory is under the direct and responsible supervision and direction of one of the following:

(a) A licensed clinical laboratory technologist.

(b) A physician and surgeon licensed under the chapter on medicine of this code.

Nominal director, etc.

1285. It is unlawful for a licensed clinical laboratory technologist or physician and surgeon to serve only as the nominal director or supervisor of a clinical laboratory.

Qualifications for employment

1286. It is unlawful for any person conducting, maintaining, or operating a clinical laboratory to employ any person to perform clinical laboratory procedures except a licensed physician and surgeon, a licensed clinical laboratory technologist, a licensed clinical laboratory technician, or a registered clinical laboratory technician trainee.

Necessity for licensed clinical laboratory technician

1287. It is unlawful for a registered clinical laboratory technician trainee to work or to be employed in a clinical laboratory unless there are on active duty in the laboratory one or more licensed clinical laboratory technicians, one or more licensed clinical laboratory technologists, or one or more licensed physicians and surgeons.

Maximum number of trainees to be employed

1288. It is unlawful for more than two registered clinical laboratory technician trainees to work or be employed at the same time in the same clinical laboratory unless said laboratory has established an approved training school as provided in Section 1222 of this chapter.

Training courses

1289. It is unlawful for any person to operate a school or conduct any course for the purpose of training or preparing persons for a license hereunder or to perform any of the practices or acts herein defined without having first secured the approval of the department as herein provided.

Same

1290. It is unlawful for any person to accept clinical laboratory technician trainees for training without approval of the department.

Penalty

1291. Any person who violates any provision of this chapter is guilty of a misdemeanor.

Assignment for tests

1292. Any person conducting or operating a clinical laboratory may accept assignment for tests only from and make reports only to persons licensed under the provisions of law relating to the healing arts. This section does not prohibit the referral of specimens or such assignment from one clinical laboratory to another laboratory providing the report indicates clearly the laboratory performing the test.

Article 6. Revenue

Fee

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory technologist's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory technologist's license is ten dollars ($10).

(c) The application fee for a clinical laboratory technician's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technician's license is two dollars ($2).

(e) The application fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit is ten dollars ($10); provided, however, that when the applicant is a city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technician trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technician trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

Scope of fee

1301. The application fee required by this chapter covers the examination, the license fee and the issuance of the license valid for the remainder of the calendar year during which the license is issued.

Return of fee

1302. An application fee is returnable only when the applicant is not admitted to the examination.

Renewal fee

1303. The annual renewal fee set under this chapter shall be paid on or before the first day of January of each calendar year. Failure to pay the annual fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of said license after a period of 60 days from the first day of January of each year, subject, however, to reinstatement under such rules and regulations as the board may make therefor.

1304. All fees set under this chapter shall be collected by and paid to the department. All such moneys shall be deposited by the department in the General Fund in the State Treasury. Collection, etc

Article 7. Denial, Revocation, and Suspension of Licenses and Permits

1320. Licenses or permits issued by the board may be revoked or suspended for each of the following reasons: Revocation, etc

(a) Conduct involving moral turpitude or dishonest reporting of tests.

(b) Violation of any of the rules and regulations of the board applicable to this chapter.

(c) Permitting a registered clinical laboratory technician trainee to perform tests, procure specimens, or act for the director in the absence of a duly licensed clinical laboratory technician, technologist, or physician and surgeon.

(d) Violation of any provision of the Business and Professions Code governing the practice of medicine and surgery.

(e) Proof that the holder has made false statements in material regard on his application for licensure or laboratory permit or that he has used any degree or certificate as a means of qualifying for licensure which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree or certificate was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree or certificate is claimed.

(f) The use of any degree, certificate, or title in any manner, which has been purchased or procured by barter or by any unlawful means or obtained from any institution which at the time said degree, certificate, or title was obtained was not recognized or accredited by the department of education of the state where said institution is or was located to give training in the field of study in which the degree, certificate, or title is claimed.

(g) Violation of any of the provisions of the premarital and prenatal laws, Article 2a, Chapter 1, Title 1, Part 3, Division 1 of the Civil Code and Part 2, Division 16 of the Health and Safety Code.

(h) The advertising of clinical laboratory procedures to the lay public in magazines, newspapers, directories, circulars, signs, etc.

(i) Knowingly accepting an assignment for clinical laboratory tests or specimens from and the rendering a report thereon to persons not licensed by law to submit such specimens or assignments.

(j) Rendering a report on clinical laboratory work actually performed in another clinical laboratory without designating the laboratory in which the test was performed.

Denial of licenses, etc

1321. Licenses or permits may be denied for any reason applicable to revocation and suspension of licenses or permits.

Conduct of proceedings

1322. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

Application

SEC. 3. It is the intent of the Legislature that the Chapter 3 of Division 2 of the Business and Professions Code added by Section 2 of this act shall be considered a revision and continuation of the Chapter 3 of said division repealed by this act; and that all licenses and permits issued under said former chapter shall be continued in existence as though issued under the chapter added by this act; and that all acts taken and proceedings pending under said former chapter shall not be affected by its repeal.

Operative date

SEC. 4. The effective date of this act shall be January 1, 1952.

Appropriation

SEC. 5. There is hereby appropriated out of the General Fund, the sum of seven thousand dollars ($7,000) in augmentation of Item 231, Section 2, of the Budget Act of 1951, to the State Department of Public Health to be expended during the 1951-52 Fiscal Year for the administration and enforcement of this act.

CHAPTER 1728

Stats 1935, p. 1123, amended

An act to amend Section 17 of the Alcoholic Beverage Control Act, relating to alcoholic beverage licenses.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Alcoholic Beverage Control Act is amended to read:

Limitation on issuance of license

Sec. 17. No license, other than an on-sale beer license, shall be issued to any applicant for any premises situated more than one mile outside the limits of an incorporated city or town and within two miles of any camp or establishment of men numbering 25 or more, engaged upon or in connection with the construction, repair or operation of any work, improvement or utility of a public or quasi public character; provided, however, that nothing in this section shall be deemed to apply to the renewal of any licenses for any premises which have been established and licensed under this act at least six months prior to the establishment of such camp or establishment of men, and further that any such last mentioned licenses whether held by the original licensee to whom first issued or a subsequent holder thereof shall be subject to transfer as to person and premises, or either, in the same manner as any other license of the same type and character issued by the board.

CHAPTER 1729

An act to amend Section 111 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 111 of the Labor Code is amended to read:

111. The Industrial Accident Commission, consisting of seven members, shall exercise all judicial powers, including those vested in it under Sections 4903, 5301, and 5307 of this code. In all other respects, the Division of Industrial Accidents is under the control of the chairman of the commission and, except as to those duties, powers, jurisdiction, responsibilities and purposes as are specifically vested in the commission, the chairman shall exercise the powers of the head of a department within the meaning of Article 1, Chapter 2, Part 1, Division 3, Title 2 of the Government Code with respect to the Division of Industrial Accidents which shall include supervision of and responsibility for personnel and the coordination of the work of the commission and its panels.

Control of Division of Industrial Accidents

CHAPTER 1730

An act to amend Sections 11512.2 and 11512.3 of, and to add Section 11512.25 to the Insurance Code, relating to nonprofit hospital service plans.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 11512.2 of the Insurance Code is amended to read:

11512.2. Group hospital service contracts may be issued in conformity with all of the following conditions:

Group hospital service contracts Conditions

(a) Written under a master hospital service contract,

(1) Issued either to the Federal or State Government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency, or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering hospital services to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with

their dependents or spouses for amounts of hospital services based upon some plan which will preclude individual selection by the employee as to the amount of hospital services he may obtain thereunder; or

(2) Issued to any association having a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance offering hospital services to all the members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of hospital services based upon some plan which will preclude individual selection by the member as to the amount of hospital services he may obtain thereunder. Any such master hospital service contract shall by its terms require the rates, dues, fees or other periodic charges to be paid to the corporation either by means of pay roll deduction or periodically by some designated person acting on behalf of the association covered; or

(3) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and covering not less than 10 employees or members eligible thereunder to be covered or such employees or members together with their dependents or spouses; and under which

(b) For delivery to each person covered under the master hospital service contract, other than dependents or spouses of an insured employee or person, there is issued to the holder of such master hospital service contract by the corporation an individual certificate setting forth the benefits and the exceptions under, and referring to, the master hospital service contract under which the certificate is issued.

SEC. 2. Section 11512.25 is added to said code, to read:

Required provisions

11512.25. (a) Any hospital service contract issued to a corporation, copartnership or individual employer eligible for group hospital service contracts pursuant to Section 11512.2, may also provide that the term "employees" shall include the officers, managers and employees of subsidiary or affiliated corporations, and the individual proprietors, partners and employees of affiliated individuals and firms, when the business of such subsidiary or affiliated corporations, firms or individuals, is controlled by the holder of the hospital service contract through stock ownership, contract or otherwise, or when the holder of the hospital service contract is controlled by affiliated corporations, firms or individuals through stock ownership, contract or otherwise.

(b) Nothing contained herein shall permit any person other than an officer, manager, or employee for compensation of the holder of the hospital service contract or of one or more of the individuals, firms, or corporations specified in subdivision (a) to be covered under a group hospital service contract.

SEC. 3. Section 11512 3 of said code is amended to read:

Required provisions

11512 3. Every group master hospital service contract issued under the terms of the foregoing section shall contain the following provisions:

(a) A provision that the contract, the application of the employer, or executive officer or trustee of any association or trustees, and the individual applications, if any, of the employees or members covered shall constitute the entire contract between the parties, and that all statements made by the employer, or the executive officer, or trustee or trustees, or by the individual employee or members shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the contract, unless it is contained in a written application;

(b) A provision that the corporation will issue to the employer or to the executive officer or trustee of the association or to the trustees, for delivery to each of the employees or members who are covered under such contract, an individual certificate setting forth a statement as to the hospital service to which he is entitled;

(c) A provision that to the group or class thereof originally covered shall be added from time to time all new employees of the employer or members of the association eligible to and applying for coverage in such group or class;

(d) A statement that such contract is not in lieu of and does not affect any requirement or coverage by workmen's compensation insurance;

(e) Such provisions as may be promulgated by the commissioner from time to time.

CHAPTER 1731

An act to amend Sections 6, 24, 27, 37, 39, 45, 45.5, 45.6, 45.7, 45.8, 45.10, 45.11, and 46.1 of the Unemployment Insurance Act, relating to a system of unemployment and disability insurance.

Stats 1935, p. 1226, amended

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Unemployment Insurance Act is amended to read:

Sec. 6. (a) "Commission" means the California Employment Stabilization Commission. Definitions

(b) "Public employment office" means a free public employment office or branch thereof operated by this State or maintained as a part of a state controlled system of public employment offices.

(c) "State" includes Alaska, Hawaii, and the District of Columbia, as well as each of the states of the United States.

(d) "Calendar-quarter" means the period of three consecutive calendar months ending on March 31st, June 30th, September 30th, or December 31st, or the equivalent thereof as may be prescribed by authorized regulations.

(e) "Contributions" means the money payments to the Unemployment Fund or Unemployment Compensation Disability Fund, as the case may be, which are required by this act.

(f) "Unemployment Fund" means the Unemployment Fund established by this act.

(g) "Unemployment Administration Fund" means the Unemployment Administration Fund established by this act.

(h) "Benefit account" means the benefit account established by this act.

(i) "Clearing account" means the clearing account established by this act.

(j) "Unemployment Trust Fund account" means the Unemployment Trust Fund account established by this act.

(k) "Social Security Board" means the Social Security Board established by the Social Security Act.

(*l*) "Department" means the Department of Employment established by this act.

(m) "Unemployment Trust Fund" means the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Federal Social Security Act as amended.

(n) "Appeals Board" means the California Unemployment Insurance Appeals Board established by this act

(o) "Federal Unemployment Tax Act" means subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other federal act into which the provisions of said sections hereafter may be incorporated.

(p) "Authorized regulations" means regulations promulgated pursuant to the provisions of this act.

(q) "Benefit year," with respect to any individual, means the one year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. Any claim for benefits made in accordance with the provisions of this act and rules and regulations adopted thereunder shall be deemed a "valid claim" for purposes of this section if the individual is unemployed and has been paid wages in employment for employers necessary to qualify for benefits under Section 53 of this act.

(r) "Base period" means the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year; provided, however, that with respect to benefit years beginning on and after October 1, 1947, the base period for benefit years beginning in November, December, or January shall be the four calendar quarters ended in the next preceding month of June; the base period for benefit years beginning in February, March, or April shall be the four calendar quarters ended in the next preceding month of September; the base period for benefit years beginning in May, June, or July shall be the four calendar quarters ended in the next preceding month of December; the base period for the

benefit years beginning in August, September, or October shall be the four calendar quarters ended with the next preceding month of March. Wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

SEC. 2. Section 24 of said act is amended to read:

Sec. 24. (a) There is hereby created in the State Treasury a separate fund to be known as the Department of Employment Contingent Fund into which shall be deposited or transferred all interest on contributions and penalties collected under this act. All amounts in the Department of Employment Contingent Fund are hereby continuously appropriated without regard to fiscal years for refund of amounts collected after January 29, 1945, and erroneously deposited therein, for interest payable under this act on refunds and judgments and for the administration of the Department of Employment; provided, however, that no expenditure for administration shall be made from this fund except under an authorization made by the Director of Finance in the manner prescribed in Section 11006 of the Government Code; provided further, that no such authorization shall be made as a substitution for a grant of federal funds, or for any portion thereof, which in the absence of said authorization would be available to the Department of Employment. Department of Employment Contingent Fund

(b) Any amount authorized to be expended for administration pursuant to this section may be transferred to the Unemployment Administration Fund; provided, however, that any amount not needed for the purpose for which authorized shall, upon order of the Director of Finance, be retransferred to the Department of Employment Contingent Fund.

SEC. 3. Section 27 of said act is amended to read:

Sec. 27. Any amounts determined by the director or his authorized representatives to be payable to employing units as refunds of contributions erroneously paid which are unclaimed at the end of three years from such determination shall be included in the revenue to the Unemployment Fund or in the case of interest or penalties, to the Department of Employment Contingent Fund. The employing unit or person entitled to such payment shall not thereafter maintain any claim, action or proceeding with respect to such amounts. Whenever any warrant is drawn on an account in the Unemployment Fund or on the Unemployment Administration Fund or the Department of Employment Contingent Fund by the State Controller or the director and same remains unclaimed after three years the amount thereof shall revert to that account in the Unemployment Fund from which the amount was payable, or the Unemployment Administration Fund, or the Department of Employment Contingent Fund, as the case may be. Refunds

SEC. 4. Section 37 of said act is amended to read:

Sec. 37. (a) Employer contributions to the unemployment fund shall accrue and become payable by every employer for each calendar year in which he is subject to this act, with Employer contribution

respect to wages paid for employment. Such contributions shall become due and be paid to the department for the Unemployment Fund by each employer in accordance with this act and shall not be deducted in whole or in part, from the wages of individuals in his employ.

(b) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent ($0.01).

(c) Any contributions paid to the Unemployment Fund or Unemployment Compensation Disability Fund with respect to wages on which contributions previously have been paid in error and without negligence on the part of the employing unit to another state having an unemployment compensation law shall be deemed for the purposes of this act to have been paid to this State at the time of the erroneous payment to the other state.

SEC. 5. Section 39 of said act is amended to read:

Contribution rate

SEC. 39. (a) The provisions of the first paragraph of subsection (c) of Section 38 of this act shall not apply in fixing contributions for any period subsequent to December 31, 1940. After December 31, 1940, employers shall pay into the Unemployment Fund contributions upon all wages with respect to which contributions become due and payable for employment subject to this act at rates as provided in this section. The contribution rate for an employer for any rating period after December 31, 1940 (including any rating period after December 31, 1947) except as otherwise provided in subsections (b) and (c) shall be:

(1) If as of the computation date for such rating period the employer's net balance of reserve is less than 7½ percent of his average base pay roll, 2.7 percent, which rate is hereby defined as the "general rate."

(2) If as of such computation date the employer's net balance of reserve is 7½ percent or more, but less than 9 percent of his average base pay roll, 2.5 percent.

(3) If as of such computation date for such rating period the employer's net balance of reserve is 9 percent or more, but less than 10 percent of his average base pay roll, 2 percent.

(4) If as of such computation date the employer's net balance of reserve is 10 percent or more, but less than 11 percent of his average base pay roll, 1½ percent.

(5) If as of such computation date the employer's net balance of reserve is 11 percent or more of his average base pay roll, 1 percent.

(b) After December 31, 1947, whenever the balance in the Unemployment Fund, on December 31st of any calendar year, which shall not include any estimated contributions not legally due and payable with respect to the final calendar quarter of such calendar year (except any payment of contributions made under Section 45.6 of this act and any payment of contributions by employers terminating business during such calendar quarter) and exclusive of any amounts available for transfer to the Disability Fund, equals 7½ percent of the wages in employment

subject to this act paid during the 12-month period ending upon the computation date immediately preceding such December 31st employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to which contributions become due and payable for employment subject to this act at rates as provided hereinafter. Same

The contribution rate for an employer for any rating period shall be:

(1) If as of the computation date for such rating period the employer's net balance of reserve is less than 6 percent of his average base pay roll, 2.7 percent, which rate is hereby defined as the general rate.

(2) If as of such computation date the employer's net balance of reserve is 6 percent or more but less than 6½ percent of his average base pay roll, 2.5 percent.

(3) If as of such computation date the employer's net balance of reserve is 6½ percent or more but less than 7 percent of his average base pay roll, 2.3 percent.

(4) If as of such computation date the employer's net balance of reserve is 7 percent or more but less than 7½ percent of his average base pay roll, 2.1 percent.

(5) If as of such computation date the employer's net balance of reserve is 7½ percent or more but less than 8 percent of his average base pay roll, 1.9 percent.

(6) If as of such computation date the employer's net balance of reserve is 8 percent or more but less than 8½ percent of his average base pay roll, 1.7 percent.

(7) If as of such computation date the employer's net balance of reserve is 8½ percent or more but less than 9 percent of his average base pay roll, 1.5 percent.

(8) If as of such computation date the employer's net balance of reserve is 9 percent or more but less than 9½ percent of his average base pay roll, 1.3 percent.

(9) If as of such computation date the employer's net balance of reserve is 9½ percent or more but less than 10 percent of his average base pay roll, 1.1 percent.

(10) If as of such computation date the employer's net balance of reserve is 10 percent or more but less than 10½ percent of his average base pay roll, 0.9 percent.

(11) If as of such computation date the employer's net balance of reserve is 10½ percent or more but less than 11 percent of his average base pay roll, 0.7 percent.

(12) If as of such computation date the employer's net balance of reserve is 11 percent or more but less than 11½ percent of his average base pay roll, 0.5 percent.

(13) If as of such computation date the employer's net balance of reserve is 11½ percent or more but less than 12 percent of his average base pay roll, 0.3 percent.

(14) If as of such computation date the employer's net balance of reserve is 12 percent or more but less than 12½ percent of his average base pay roll. 0.1 percent.

Same

(15) If as of such computation date the employer's net balance of reserve is 12½ percent or more of his average base pay roll, there shall be no contribution.

(c) No employer shall be considered eligible for a contribution rate of less than 2.7 percent for the rating period January 1, 1941, to June 30, 1941, unless such employer has had a pay roll subject to tax under this act in each of the five years preceding January 1, 1941, and unless the separate account of such employer shall have been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for such rating period and he is qualified under subsection (a) of this section; no employer shall be considered eligible for a contribution rate of less than 2.7 percent for any subsequent rating period unless the reserve account of such employer shall have been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for such rating period and he is qualified under subsection (a) or (b) of this section.

SEC. 6. Section 45 of said act is amended to read:

Due date, etc., of contributions

Sec. 45. (a) Contributions required under this act shall be due and payable on the first day of the calendar month following the close of each calendar quarter and shall become delinquent if not paid on or before the last day of such month.

Return

(b) Each employer shall file with the director within the time herein required for payment of contributions, a return and a report of wages of his workers in such form and containing such information as the director shall prescribe for the purpose of administering this act.

Extension

(c) The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this act. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the rate of three percent (3%) per annum from the date on which the payment would have been delinquent without the extension until the date of payment.

Failure to pay contributions

(d) Any employer who without good cause fails to pay any contributions required of him or any contributions required of his workers, except amounts assessed under Sections 45.5 and 45.6, within the time required shall pay a penalty of 10 percent of the amount of such contributions.

Same

(e) Any employer who fails to pay any contributions required of him or any contributions required of his workers, except amounts assessed under Sections 45.5 and 45.6, within the time required shall become additionally liable for interest on such contributions at the rate of one-half (½) percent per month or fraction thereof from and after the date of delinquency until paid.

Failure to file report of wages

(f) Any employer without good cause failing within 15 days after service of a specific written demand to file in the

form and within the time required by this act or the authorized rules and regulations a report of wages of each of his workers shall pay in addition to other amounts required, for each unreported wage item a penalty of one dollar ($1) per month or fraction thereof, up to a maximum of three months; provided, however, that no penalty charged against an employer with respect to any calendar quarter under this subsection shall be less than four dollars ($4) or in excess of two hundred fifty dollars ($250). The specific written demand required by this section may be served either personally or by mail. In the case of service by mail the demand may be addressed to the employing unit at the same address that appears on the records of the department and such service is complete at the time of deposit in the United States mail.

Additional reports of wages

(g) If the director finds that the collection of any contributions imposed by or under this act will be jeopardized in any case where an employing unit is insolvent, or is delinquent in a substantial amount of contributions due under this act, or has discontinued or is about to discontinue business at any of its known places of business, or such business is of a temporary or seasonal nature, the director may require returns or payment of contributions, or reports of wages of workers, for periods less than calendar quarters.

SEC. 7. Section 45.5 of said act is amended to read:

Failure to make return

Sec. 45.5. (a) If any employing unit fails to make a return as required by this act the director shall make an estimate based upon any information in his possession or that may come into his possession of the amount of wages paid for employment in the period or periods for which no return was filed and upon the basis of such estimate shall compute and assess the amounts of employer and worker contributions payable by the employing unit, adding thereto a penalty of 10 percent of the amount of contributions.

Computation by director

(b) If the director is not satisfied with the return or returns made by any employing unit of the amount of employer or wage-earner contributions, he may compute the amount required to be paid upon the basis of facts contained in the return or returns or upon the basis of any information in his possession or that may come into his possession and make an assessment of the amount of the deficiency. If any part of the deficiency is due to negligence or intentional disregard of this act or the authorized rules and regulations, a penalty of 10 percent of the amount of the deficiency shall be added thereto.

Failure to file return

(c) If the failure of the employing unit to file a return within the time required by this act and authorized regulations or if any part of the deficiency for which an assessment is made is due to fraud or an intent to evade this act or the authorized rules and regulations, a penalty of 25 percent of the amount of contributions assessed shall be added thereto.

Interest

(d) The amount of each assessment exclusive of penalty shall bear interest at the rate of one-half percent (½%) per month or fraction thereof from and after the last day of the

month following the close of the calendar quarter for which the contributions should have been returned until the date of payment.

Offset, etc

(e) One or more assessments may be made for the amount due for one or for more than one period and overpayments may be offset against underpayments. The director shall give to the employing unit against whom an assessment is made a written notice of the assessment. The notice may be served personally or by mail; if by mail, service of the notice of any assessment in excess of three hundred dollars ($300) shall be made by registered mail, otherwise such service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the employing unit at its address as it appears in the records of the department. In case of service by mail of any notice required by this section, the service is complete at the time of deposit in the United States post office.

Limitation period

(f) Except in the case of failure without good cause to file a return, fraud or intent to evade this act or the authorized rules and regulations, every notice of assessment shall be made within three years after the last day of the month following the close of the calendar quarter during which the contribution liability included in the assessment accrued or within three years after the deficient return is filed, whichever period expires the later. An employing unit, however, may waive the limitation period herein prescribed or may consent to its extension.

Petition for reassessment

(g) Any employing unit against whom an assessment is made under this section or any person directly interested may petition for reassessment within 30 days after service of notice of the assessment; provided, that an additional 30 days for the filing of a petition may for good cause be granted by the appeals board. If a petition for reassessment is not filed within the 30-day period, or within the additional period granted by the appeals board, the assessment becomes final at the expiration of the period. If a petition is filed within the time herein prescribed, the appeals board shall review the assessment and if requested by the petitioner shall, unless a hearing has previously been afforded petitioner on the same grounds as set forth in the petition for reassessment, grant a hearing before the appeals board or its duly authorized representatives, giving 10 days' notice of the time and place of the hearing. The appeals board may decrease or increase the amount of the assessment but the amount may be increased only if a 10-day notice of the increase is given by the appeals board with opportunity for hearing before the appeals board with respect to such increase. The order or decision of the appeals board upon the petition for reassessment and the assessment becomes final 30 days after service upon the petitioner of notice of the order or decision. Notices shall be served by mail addressed to the employing unit at the same address that appears on the records of the department. Such service is complete at the time of deposit in the United States mail.

(h) Assessments under this section become delinquent if not paid on or before the date they become final. There shall be added to the amount of each delinquent assessment a penalty of ten percent (10%) of the amount thereof exclusive of interest and penalties. Delinquency

(i) The director may cancel any assessment or portion thereof which he finds to have been erroneously made; provided, however, that with respect to an assessment which has become final such a cancellation shall be made only upon the approval of the appeals board. Cancellation of erroneous assessment

SEC. 8. Section 45.6 of said act is amended to read:

Sec. 45.6. (a) If the director finds that the collection of any contributions will be jeopardized by delay he shall thereupon make an assessment of such contribution (noting that fact upon the assessment levied hereunder), and the amount of such assessment shall be immediately due and payable, whether or not the time otherwise allowed by law, or authorized regulations has expired. If the amount of contribution, interest and penalty specified in the jeopardy assessment is not paid within 15 days after the service upon the employer of notice of the assessment, such assessment becomes final at the expiration of such 15 days, unless a petition for reassessment is filed with the appeals board within the time provided for in this section. The penalties and interest as provided in Section 45.5 of this act in respect to assessment shall attach to the amount of the contributions specified therein. Immediately due, etc., assessment

(b) The employer against whom a jeopardy assessment is levied hereunder may petition for the reassessment thereof; provided, however, that such petition for reassessment must be filed with the director within 15 days after the service upon the employer of notice of the assessment; and provided further, that the employer must within said 15 days after demand deposit with the director such security as he may deem necessary to insure compliance with the provisions of this act. Petition for reassessment

(c) Such security may be sold by the director at public sale if it becomes necessary so to do in order to recover any contributions, interest or penalty due. Notice of such sale may be served upon the person who deposited such securities personally or by mail; if by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure and addressed to the person at his address as the same appears in the records of the department. Upon any such sale, the surplus, if any, above the amounts due under this act shall be returned to the person who deposited the security. Sale of security

(d) The service of the notices provided for herein may be made personally or by registered mail; if by registered mail, it shall be addressed to the employing unit at its address appearing on the records of the department. Such service is complete at the time of deposit in the United States mail. Service of notices

SEC. 9. Section 45.7 of said act is amended to read:

Sec. 45.7. (a) Any person or employing unit that acquires the organization, trade or business, or substantially all Acquisition of assets, etc

the assets thereof, of an employer shall withhold in trust money or other property sufficient in amount, or value to cover the amount of any contributions, interest and penalties due or unpaid from such employer until such employer shall produce a certificate from the department stating that no contributions, interest or penalties are due. Any such person or employing unit that fails to withhold money or other property as above provided shall be personally liable for the payment of the contributions, interest and penalties due from such employer up to but not exceeding the purchase price; provided, however, that upon request of either of the parties to such acquisition the department shall within 30 days issue said certificate, or issue a statement showing the amount of contribution claimed to be due, and the failure to issue such certificate or such statement within said period of 30 days shall be deemed equivalent to the issuance of a certificate stating that no contributions, interest or penalties are due. If the department issues a statement showing the amount of contributions, interest and penalties claimed to be due, the amount stated therein shall be withheld and paid to the department on demand, such amount, however, not to exceed the purchase price The issuance of any certificate stating that no contributions, interest and penalties are due, or the failure to issue such certificate or statement within said period of 30 days shall in no event release the employer from liability on account of any contributions, interest and penalties then or thereafter determined to be due from him, but shall release the acquiring person or employing unit from any further liability on account of any such contributions, interest and penalties.

Remedies for collection

(b) The director shall have all of the remedies for collection against any person or employing unit that acquires the organization, trade or business, or substantially all the assets thereof of an employer as are provided by this act against any employer liable for contributions, interest and penalties due. The time within which the obligation may be enforced against the person or employing unit acquiring the organization, trade or business, or substantially all the assets thereof of an employer shall start to run with the day of the acquisition or with the day the liability against the employer becomes final, whichever is the later.

SEC. 10. Section 45 8 of said act is amended to read:

Delinquency in payment of contributions

Sec. 45.8. (a) If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this act, the director may, not later than three years after the payment became delinquent or within five years of the last recording of an abstract under Section 45.9 or of a certificate under Section 45 10, give notice of the amount of such delinquency by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to such delinquent person or employing unit, or owing any debts to such person or employing unit at the time of the receipt of the registered notice. Any person so notified shall neither transfer nor make any disposition of

such credits or other personal property or debts until the director shall have consented to a transfer or disposition, or until 45 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the director of any and all such credits, other personal property or debts, in their possession, under their control, or owing by them, as the case may be.

Transfer of credits, etc

(b) If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the credits or personal property required to be withheld hereunder, he shall be personally liable to the department for any loss sustained by reason of his failure to so withhold. Such liability shall not exceed the actual value of any such credits, debts or other personal property under his control or in his possession.

Person

(c) Person as used in this section includes this State, any county, city and county, municipality, district or other political subdivision thereof.

Notice to the State

(d) In case of the State, the notice shall be given to the state department, board, office or commission prior to the time it presents the claim of such person or employing unit to the State Controller.

SEC. 11. Section 45.10 of said act is amended to read:

Filing of certificate

Sec. 45.10. (a) If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this act, the director may, not later than three years after the payment became delinquent, or within five years after the last entry of a judgment under Section 45.9, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the name and address as it appears on the records of the department of the employing unit liable for the same and the fact that the department has complied with all provisions of this act in the determination of the amount required to be paid From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for five years unless sooner released or otherwise discharged.

Warrant

(b) If any amount required to be paid under this act is not paid when due, the director or his authorized representative may, not later than three years after the payment became delinquent, or within five years after the last entry of a judgment

under Section 45.9 or filing for record of a certificate under this section, issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this act. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The department may pay or advance to the sheriff, marshal or constable, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The director, and not the court, shall approve the fees for publication in a newspaper. The fees, commissions, and expenses are the obligation of the person or employing unit required to pay any amount under this act and may be collected from him by virtue of the warrant or in any other manner provided in this act for the collection of the tax.

SEC. 12. Section 45.11 of said act is amended to read:

Illegally collected contributions

Sec. 45.11. (a) If the director determines that any amount of contributions, penalty or interest has been erroneously or illegally collected he shall set forth on the records of the department the amount collected in excess of the amount legally due and the name of the employing unit or other person by whom it was paid and shall if a claim has not already been filed give notice to such employing unit or other person of such amount. The excess amount shall be credited on any amounts then due from or accrued against the employing unit and the balance shall be refunded to the employing unit or its successor, administrators or executors.

No refund or credit shall be allowed unless a claim therefor is filed with the director within three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made or within six months after assessments made under Sections 45.5 or 45.6 of this act become final or within 60 days from the date of overpayment, whichever period expires the later; provided, however, that prior to the expiration of such periods the director may allow credits on his own initiative even though no claim is filed.

No refund of employer or wage-earner contributions, penalties or interest shall be made or credit for wage-earner contributions allowed unless the employing unit conforms, within one year after the allowance of credit or approval of the claim for refund, to authorized rules and regulations with respect to the refund to workers entitled thereto of any moneys deducted by the employing unit under Section 44 of this act.

Every claim shall be in writing and shall state the specific grounds upon which the claim is founded. Failure to file a claim with the director or after denial thereof by the director, to file a petition for review with the appeals board within the time prescribed by this section constitutes a waiver of any demand against the State or the director on account of overpayment.

(b) The director shall give notice to the claimant whenever he disallows any claim in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 45.5. Within 30 days of notice of disallowance, the claimant may file with the appeals board a petition for review of the claim. If the petition is filed within the time prescribed the appeals board shall review the claim and, if requested by the claimant, shall, unless a hearing has previously been afforded claimant on the same grounds on which the claim is based, grant a hearing before the board or its duly authorized representative, giving 10 days' notice of the time and place of the hearing. Regardless of any prior proceedings, the claimant may file an affidavit setting forth new and additional evidence in support of his claim, and the appeals board may grant an additional hearing as provided in this section. Notice

(c) Interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor upon any overpayment of contributions at the rate of six percent (6%) per annum from the date of overpayment to the date of the allowance of the refund or credit; provided, however, that no interest shall be allowed if the director determines that any overpayment has been made intentionally or by reason of negligence on the part of the employing unit. Interest

(d) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding, in any court against this State or against any officer thereof to prevent or enjoin under this act the collection of any contribution sought to be collected. No suit or proceeding shall be maintained in any court for the recovery of any amount of contributions, interest or penalties alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been filed pursuant to this section. Within 90 days after the mailing of the notice of the action by the appeals board upon a claim filed pursuant to this section, the claimant may bring an action against the director on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed; provided, however, that the director may in writing extend for a period of not exceeding two years the time within which such action may be instituted if written request for such extension is filed with the director within the 90-day period. Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments. If the director fails within 60 days to mail notice of an action on a claim after the claim is filed the claimant may consider the claim denied and file a petition for review of the denial with the appeals board as set forth in this section. If the appeals board fails to mail notice of action on any petition for review within 90 days after such petition is filed with the appeals board the claimant may consider the claim dis- Process to prevent collection of contribution, etc

allowed and may bring an action against the director as provided herein.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contribution, interest and penalties due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor, at the rate of 6 percent per annum upon the amount of contributions found to have been illegally collected from the date of payment thereof to the date of such judgment.

Erroneous refund

(c) If any refund or portion thereof is erroneously made, the director shall assess such amount to the employing unit or other person to whom the refund was so made, together with any interest paid thereon; provided, however, no assessment shall be made with respect to any amount of wage-earner contributions which the employer has refunded to his employees. The amount of the assessment shall bear interest at the rate of 6% per annum commencing 30 days after the service of notice of such assessment, if not paid within such period, until the date of repayment. The director shall give the employing unit against whom the assessment is made a written notice of the assessment in accordance with the provisions of Section 45.5(e) of this act. Such notice must be given within three years from the date the refund was made; provided, however, that an employing unit may waive this limitation period or may consent to its extension The provisions of subdivisions (g), (h) and (i) of Section 45.5 of this act shall be applicable to assessments made under this section. The director shall collect the amount of any assessment made under this section in the same manner that other assessments are collected.

SEC. 13. Section 46.1 of said act is amended to read:

Notice by assignee, etc., of insolvent employing unit, etc

Sec. 46.1. Every assignee, receiver, trustee in bankruptcy, or other representative of an insolvent employing unit, and every administrator or executor of the estate of a deceased employing unit, shall within 30 days after assuming office send due notice in writing of the name and address of the employing unit, his own name and address, and such other information as may be required by the director. In addition to other penalties prescribed by this act, failure to observe the requirements of this section shall cause the assignee, receiver, trustee in bankruptcy, or other representative of an insolvent employing unit, or the administrator or executor of the estate of the deceased employing unit to be personally responsible for all loss in contributions, penalties and interest attributable to such failure to notify the department, as provided for in this section. The liability herein imposed may be enforced by civil action in the name of the People of the State of California against the assignee, receiver, trustee in bankruptcy, or other representative of the insolvent employing unit, and against the administrator or executor of the deceased employing unit.

CHAPTER 1732

An act to amend Section 737g of the Political Code and Section 79.7 of the Code of Civil Proccdure, relating to the salaries of superior court judges.

[Approved by Governor July 24, 1951 Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 737g of the Political Code is amended to read:

737g. The annual salary of the judges of the Superior Court in and for the County of Contra Costa is fifteen thousand dollars ($15,000).

Contra Costa County Superior Court judges Salaries

SEC. 2. Section 79.7 of the Code of Civil Procedure is amended to read:

79.7. The annual salary of each of the judges of the Superior Court in and for the County of Contra Costa is fifteen thousand dollars ($15,000).

SEC. 3. Section 2 of this act becomes operative only if Section 737g of the Political Code is repealed by the Legislature at the 1951 Regular Session and in such case at the same time as said repeal takes effect.

Effect Stats. 1951, Ch. 655

CHAPTER 1733

An act to add Sections 20345.5, 20345.6, and 20345.7 to the Education Code, relating to student body organizations established in state colleges.

[Approved by Governor July 24, 1951 Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 20345.5 is added to the Education Code, to read:

20345.5. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. The activities conducted by such an organization shall be designed to contribute to the development of skill and facility in human relations, the development of leadership ability, and the recreational and social needs of students. The activities may include but shall not be limited to the operation of campus publications, musical organizations, speech and dramatics activities, student government activities, intramural and intercollegiate sports, and the sponsorship of clubs and organizations which are designed for students specializing in various major subject matter areas offered by the college. Such an organization may also operate a campus store, a cafe-

Establishment of student body organizations

teria, and other projects not inconsistent with the purposes of the college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college and upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the Director of Education shall prescribe, and open to all regular students enrolled in such college, the State Director of Education shall fix a membership fee which shall be required of all regular students attending such college. This required fee may be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 35 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held. The director may also fix student body organization membership fees for limited and summer session students attending such college. Such fees shall not be charged to students registering solely in extension classes offered by the college. Each state college student shall pay the required membership fee, or at his option shall agree to work off the amount of the fee at the prevailing student rate of the college, as a prerequisite to enrollment in the college. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) annually. The provisions of this section shall apply to any vote held during the spring semester of the 1950-51 school year.

SEC. 2. Section 20345.6 is added to said code, to read:

Collection, etc., of fees

20345.6. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 20345.5 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. Moneys collected on behalf of student body organizations shall be transmitted by the business manager to the student body treasurer and such moneys may be deposited by said treasurer in local bank accounts under the jurisdiction of the student body organization.

All moneys received by a state college from any agency of the State or Federal Government for the payment of student body organizations membership fees of students attending the college shall be in a like manner transmitted by the business manager to the treasurer of the student body organization and deposited in local bank accounts as provided above.

SEC. 3. Section 20345.7 is added to said code, to read:

Use of fees

20345.7. All moneys collected by a state college on behalf of a student body organization under the provisions of this article shall be available for such purposes of the student body organization as are approved by the State Director of Education. These funds may be drawn against by the appropriate officers of the student body organization for expenditures necessary to carry out the purpose of the organization.

CHAPTER 1734

An act to add Article 4.5, comprising Sections 20215 to 20228, inclusive, to Chapter 2 of Part 3, Division 5, Title 2 of the Government Code, relating to the State Employees' Retirement System, authorizing the investment of the funds of such system in real property, and prescribing the limitations upon such investments

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Article 4.5, comprising Sections 20215 to 20228, inclusive, is added to Chapter 2 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 4.5. Investments in Real Property

Investment in real property

20215. Notwithstanding any other provision of law the board may, subject to the provisions of this article, invest the money in the Retirement Fund in real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired or made by the board for sale or lease to the State. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, surveys, and negotiations, shall be a proper charge against the fund and shall be included in the investment total.

Approval

20216. No investment shall be made in real property unless the investment is approved by not less than two-thirds of the membership of the board, exclusive of Director of Finance. The provisions of Section 20205 of this code, insofar as they require the affirmative vote of the Director of Finance upon investments, are not applicable to investments made pursuant to this article.

Limitation

20217. No investment shall be made in real property if the investment, together with all other investments in real property, will exceed ten (10) percent of the assets of the Retirement System.

State lease agreement

20218. Before an investment in real property is made under this article the board shall enter into a lease agreement with the State, which shall be executed by or be subject to the approval of the Director of Finance, under which the State agrees to rent the property for a period not to exceed 40 years. The rental shall be sufficient to return to the Retirement Fund not less than the amount of the investment together with interest at such rate as the agreement may specify. The agreement may contain an option or options to purchase, which option or options shall provide that upon exercise of such option the State shall pay a sum which together with the rentals already paid will return not less than the investment plus interest to the date the option is effective, at the specified rate.

Title

20219. Except as provided in Section 20220, title to the real property and improvements acquired pursuant to this article shall be vested in the board and shall remain in the board until the termination of the lease. The lease or agreement shall provide for the vesting of title in the State upon the expiration of the period of the lease if the rental specified in Section 20218 has been paid and if the State has performed all acts required of it by the terms of the said lease.

Same State-owned lands

20220. In the event real property owned by the State is leased by the board, pursuant to this article, and funds are invested by the board in the construction of improvements thereon for the purpose of leasing said property to the State, title to the improvements only shall be vested in the board and shall remain in the board until the expiration of the lease. In such case the lease of the property to the State shall provide for the vesting of title to the improvements in the State upon the termination of the lease if the rental specified in Section 20218 has been paid and if the State has performed all acts required of it by the terms of the said lease.

Requirement

20221 No funds shall be invested pursuant to this article unless the lease or an agreement between the board and the State provides that the State shall be responsible for the operation, maintenance, and management of the building or other improvement covered by the lease.

Gov C., §14250, ff

20222. The provisions of the State Contract Act are applicable to this article, and the construction of improvements pursuant to this article shall be under the direction of the Division of Architecture; provided, that no money shall be transferred from the Retirement Fund to the Division of Architecture Revolving Fund until such money is needed by the Department of Public Works to meet contract payments or other expenses incurred under this act. No provision of the State Contract Act which may require an earlier transfer of such money from the Retirement Fund shall be applicable to this article.

Stats 1944 (4th Ex Sess.), p 149

20223. In order to make the provisions of this article effective, the board may acquire land, improved or unimproved, under the provisions of the Property Acquisition Act. The acquisition of land under this section shall not be subject to the approval of the Director of Finance.

Incidental powers

20224. In order to make the provisions of this article completely effective, the board may, for investment purposes only, purchase, sell or lease real property or enter into options therefor, and may do any and all things necessary to protect the investment including, but not limited to, purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the board under this section shall be subject to the approval of the Director of Finance. Except as provided in Section 20223, no real property or interest therein shall be acquired by the board under this article unless such acquisition is previously approved by the Director of Finance.

20225. Any lease or other agreement between the board and the State entered into pursuant to this article may be amended or revised from time to time by mutual agreement between the board and the State subject, however, to the requirements of this article. Amendment, revision of leases

20226. Notwithstanding any other provision of law, the Director of Finance, with the consent of any state agency having jurisdiction thereof, may let to the board, for a term not to exceed 40 years and upon such terms and conditions as will best serve to protect the interests of the State and the security of the fund, any real property which belongs to the State regardless of whether such property was acquired under any law specifying that such property was to be devoted to any particular purpose. Any instrument by which such property is let as aforesaid shall require the board to construct on the demised premises a building or buildings for the use of the State during the term thereof, subject to the provisions and requirements of this article. Leases of state property to board

20227. Notwithstanding any other provision of law, the board, without the approval of the Director of Finance, the Attorney General or any other state officer, may employ special counsel to represent it in any controversy with the State or with any state agency, arising under this article. Special counsel

20228. Nothing in this article shall be construed to authorize the Director of Finance to enter into any contracts for the construction of public works or invest in or acquire real property without a specific authorization by the Legislature. Limitation

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CHAPTER 1735

An act providing for the constitution of the municipal court in a district embracing the Cities of Orange, Tustin and Santa Ana, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The municipal court established in a district embracing the Cities of Orange, Tustin and Santa Ana shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows: Orange, Tustin and Santa Ana municipal courts—Salaries

(1) There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) The judge may appoint:

Two clerks, each at a monthly salary of two hundred fifty dollars ($250); and

One stenographer-clerk at a monthly salary of one hundred ninety dollars ($190).

(3) The judge may appoint one marshal at a monthly salary of three hundred dollars ($300).

(4) The marshal may appoint:

One deputy marshal at a monthly salary of two hundred fifty dollars ($250); and

One stenographer-clerk at a monthly salary of one hundred ninety dollars ($190).

SEC. 2. The sessions of the court shall be held in the City of Santa Ana.

CHAPTER 1736

An act providing for the constitution of the municipal court in a district embracing the Cities of Fullerton, Anaheim, La Habra, Brea, and Placentia, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

Fullerton, Anaheim, La Habra, Brea, and Placentia municipal courts Salaries

SECTION 1. The municipal court established in a district embracing the Cities of Fullerton, Anaheim, La Habra, Brea, and Placentia shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) per annum, payable in equal monthly installments.

(2) The judge may appoint:

Two clerks, each at a monthly salary of two hundred fifty dollars ($250); and

One stenographer-clerk at a monthly salary of one hundred ninety dollars ($190).

(3) The judge may appoint one marshal at a monthly salary of three hundred dollars ($300).

(4) The marshal may appoint:

One deputy marshal at a monthly salary of two hundred fifty dollars ($250); and

One stenographer-clerk at a monthly salary of one hundred ninety dollars ($190).

CHAPTER 1737

An act to amend Sections 17, 73c, 77b, 82, 83, 84, 85, 117, 117a, 117b, 117c, 117d, 117e, 117h, 117ha, 117i, 117j, 117l, 117o, 117p, 131.3, 134, 139, 142, 147, 149a, 150, 151, 152, 153, 166, 170, 170a, 171, 172, 188, 274c, 372, 406, 407, 408, 410, 412, 422, 426, 437, 437b, 437c, 446, 465, 472, 472a, 477, 480, 481, 482, 483, 492, 493, 494, 495, 496, 498, 499, 500, 503, 515, 520, 539, 540, 545, 548, 554, 555, 556, 573, 581, 581b, 581d, 585, 594, 596, 600, 607a,

628, 631, 632, 638, 639, 640, 641, 644, 664, 667a, 668, 674, 675, 681a, 682, 688.1, 683, 689, 692, 714, 715, 717, 717.1, 718, 719, 720, 721, 722, 973, 974, 975, 977, 978, 978a, 979, 981, 982, 990, 997, 1000, 1003, 1005, 1006, 1008, 1011, 1015, 1030, 1031, 1032, 1032.5, 1032 6, 1033, 1033.7, 1054, 1054.1, 1054a, 1068, 1085, 1103, 1134, 1135, 1144, 1146, 1148, 1149, 1151, 1166a, 1168, 1169, 1176, 1208.5, 1211, 1212, 1213, 1214, 1215, 1217, 1218, 1220, 1221, 1222, 1995, 2024, 2037, and 2038 of the Code of Civil Procedure; to amend the headings of Chapter 5 of Title 1 of Part 1, of Article 3 of Chapter 5 of Title 1 of Part 1, and of Chapter 3 of Title 13 of Part 2 of the Code of Civil Procedure; to repeal the heading of Article 4 of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure; to repeal Chapter 6 of Title 1 of Part 1 of the Code of Civil Procedure; and to renumber Chapter 7 of Title 1 of Part 1 of the Code of Civil Procedure to be Chapter 6; all relating to courts of justice, various officers connected therewith, and judicial districts.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Code of Civil Procedure is amended to read:

Interpretations, definitions

17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; the words "judicial district" include "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness; provided, that when a signature is by mark it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witness thereto.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "property" includes both real and personal property;

2. The words "real property" are coextensive with lands, tenements, and hereditaments;

3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;

4. The word "month" means a calendar month, unless otherwise expressed;

Interpretations, definitions

5. The word "will" includes codicil;

6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer; and the word "process" a writ or summons issued in the course of judicial proceedings;

7. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories;

8. The word "section" whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned;

9. The word "affinity" when applied to the marriage relation, signifies the connection existing in consequence of marriage, between each of the married persons and the blood relatives of the other;

10. The word "sheriff" shall include "constable" and "marshal."

SEC. 2. Section 73e of the Code of Civil Procedure is amended to read:

Superior court sessions in proximity of juvenile hall

73e. Notwithstanding anything to the contrary contained in Sections 73 and 142 of this code, or contained in any other law of this State, in each county, having a population of not less than 500,000 as ascertained and determined by the last preceding census taken under the authority of the Congress of the United States, wherein the juvenile hall is not located at the county seat of the county, a majority of the judges of the superior court in and for such county may by an order filed with the county clerk of such county direct that a session or sessions of the superior court, while sitting for the purpose of hearing and determining cases and proceedings arising under Chapter 2 of Part 1 of Division 2 or Chapter 2 of Part 1 of Division 6 or Chapter 4 of Part 4 of Division 6 of the Welfare and Institutions Code, may be held or continued in any judicial district in the county in which the juvenile hall is located and thereafter such session or sessions of the superior court may be held or continued in the judicial district designated in such order.

SEC. 3. Section 77b of the Code of Civil Procedure is amended to read:

Jurisdiction, etc., of appellate department

77b. The appellate department provided by the preceding section shall have appellate jurisdiction on appeal from municipal and justice courts established within the county or city and county wherein such appellate department is established, in all cases in which an appeal may be taken to the superior court, as is now or may hereafter be provided by law, except on such appeals as require a retrial in the superior court. The powers of such appellate department shall be the same as are now or may hereafter be provided by law relating to appeals to the superior courts. The presence of two judges of such department shall be necessary to transact any business, except such as may be done

at chambers, and the concurrence of two judges shall be necessary to pronounce a judgment. The presiding judge of such appellate department may convene the court at any time and shall supervise the business of the department. Rules governing practice and procedure and the disposition of the business of such department shall be made by the judicial council.

SEC. 4. The heading of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure is amended to read:

CHAPTER 5. MUNICIPAL COURTS AND JUSTICE COURTS

SEC. 5. Section 82 of the Code of Civil Procedure is amended to read:

Effect of establishment on superior court

82. The establishment of a municipal court, or justice court, in a county, or city and county, or the determination of the jurisdiction of such courts by the Legislature, shall not affect, alter or diminish the previously existing jurisdiction of the superior court of any county, or city and county, other than that of the county, or city and county, wherein such municipal or justice court is established.

SEC. 6. Section 83 of the Code of Civil Procedure is amended to read:

Concurrent jurisdiction

83. Insofar as the jurisdiction of municipal and justice courts is the same, such jurisdiction is concurrent.

SEC. 7. Section 84 of the Code of Civil Procedure is amended to read:

Extent of process

84. The process of municipal courts and justice courts shall extend throughout the State.

SEC. 8. Section 85 of the Code of Civil Procedure is amended to read:

Provisions applicable

85. The establishment of municipal courts in cities and counties, and judicial districts, containing a population of more than 40,000, is provided for in the Constitution of this State. The election, terms of office, powers and duties of the judges, clerks and other officers thereof, and the procedure therein, are provided for in the Municipal and Justice Court Act of 1949, approved July 27, 1949, Statutes of 1949, Chapter 1510.

SEC. 9. The heading of Article 3 of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure is amended to read: Heading

Article 3. Justice Courts

SEC. 10. The heading of Article 4 of Chapter 5 of Title 1 of Part 1 of the Code of Civil Procedure is repealed. Repeal

SEC. 11. Section 117 of the Code of Civil Procedure is amended to read:

Small claims court Jurisdiction, venue

117. All judges of the justice court and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a

small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed one hundred dollars ($100).

When a defendant has contracted to perform an obligation in a particular judicial district or city and county, an action founded on such obligation may be commenced and maintained either in the judicial district or city and county where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action. If the action be for injury to person, or to personal property, either the judicial district where the injury occurs, or where the defendants or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

SEC. 12. Section 117a of the Code of Civil Procedure is amended to read:

Commencement of action

117a. Actions shall be commenced, heard and determined in the small claims court under the provisions of this chapter whenever any person executes an affidavit substantially in the form set forth in Section 117b of this code, and files the same with the judge or the clerk or deputy clerk of said justice or municipal court.

SEC. 13. Section 117b of the Code of Civil Procedure is amended to read:

Form of affidavit

117b. The affidavit mentioned in the last section shall be on a blank substantially in the following form:

In the Small Claims Court of _____, County of _____, State of California

_____ Plaintiff,

vs.

_____ Defendant.

State of California, } ss.
County of _____ }

_____, being duly sworn, deposes and says: That the defendant is indebted to the plaintiff in the sum of $_____; that this affiant has demanded payment of said sum that the defendant refused to pay the same and no part thereof has been paid; that the defendant resides at _____, in the above named county, or city and county (or, "that the obligation sued on was contracted to be performed at _____ in the above named county, or city and county"); that this affiant resides at _____, county (or city and county) of _____, in the State of California.

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
Judge (Clerk or notary public).

On the affidavit shall be printed:

ORDER

The people of the State of California, to the within named defendant, greeting:

You are hereby directed to appear and answer the within and foregoing claim at my office in _____, _____ (name of building or residence) in _____, County of _____, State of California (or at the court room of Department _____ of the municipal court in, etc.), on the _____ day of _____ 19___, at the hour of _____ o'clock in the _____ noon of said day; and to have with you, then and there, all books, papers, and witnesses needed by you to establish your defense to said claim.

And you are further notified that in case you do not so appear, judgment will be given against you for the amount of said claim as it is stated in said affidavit, and in addition costs of the action including costs of service of the order.

Dated this _____ day of _____ 19___.

_____

Judge (or Clerk of Court).

SEC. 14. Section 117c of the Code of Civil Procedure is amended to read:

117c. The claimant shall prepare such an affidavit as is set forth in Section 117b of this code, or, at his request, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall draft the same for him. Such affidavit may be presented by the claimant in person or sent to the judge or clerk by mail. Upon the receipt of said affidavit, properly sworn to, the clerk or deputy clerk of said court, or the judge if there be no clerk, shall file the same and make a true and correct copy thereof. Procedure re affidavit

At the same time the judge, or clerk or deputy clerk shall fill in the blanks in the order printed on said copy, sign the order, and immediately thereafter enclose said copy and order in an envelope, address the said envelope to the said defendant at the address so stated in said affidavit, prepay the postage, and mail said envelope to said defendant by registered mail and request a return receipt from addressee only, or said judge, clerk, or deputy clerk may deliver personally, or cause to be delivered, said copy and order to the defendant in person. The judge, clerk or deputy clerk, shall then attach to the original affidavit the receipt for the registered letter and the return card thereon or other evidence of service of said affidavit and order.

SEC. 15. Section 117d of the Code of Civil Procedure is amended to read:

117d. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than 30 days nor less than three days from the date of said order. Appearance

When the judge or clerk has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers and witnesses necessary to prove his claim. If the order is not served upon the defendant within the time specified in this code for the service of such order the plaintiff may apply to the judge or clerk or deputy clerk for a new order setting a new date for the appearance of the defendant which shall not be more than 30 days nor less than three days from the date of the issuance of the new order.

SEC. 16. Section 117e of the Code of Civil Procedure is amended to read:

Required entry

117e. The judge shall enter in his docket, or the clerk in his register of actions:

1. The title of every action;

2. The sum of money claimed;

3. The date of the order provided for in Section 117b, and the date of the trial as stated in said order;

4. The date when the parties appear, or their nonappearance if default be made;

5. Every adjournment, stating on whose application and to what time;

6. The judgment of the court and when returned;

7. A statement of any money paid to the court, judge, or clerk, when, and by whom; and the date of the issuance of any abstract of the judgment;

8. The date of the receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

SEC. 17. Section 117h of the Code of Civil Procedure is amended to read:

Conduct of proceedings

117h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. The defendant in any such action may file a verified answer stating any new matter which shall constitute a counterclaim; a copy of such answer shall be delivered to the plaintiff in person not later than 48 hours prior to the hour set for the appearance of said defendant in such action. The provisions of this code as to counterclaims are hereby made applicable to small claims courts, so far as included within their jurisdiction. Such answer shall be made on a blank substantially in the following form:

In the Small Claims Court of _____, County of _____,
State of California.

_____ _____, Plaintiff,
vs.
_____ _____, Defendant.

Counterclaim of Defendant.

State of California, }
County of_____, } ss.

_____, being first duly sworn, deposes and says: That said plaintiff is indebted to said defendant in the sum of _____ ($_____) for _____, which amount defendant prays may be allowed as a counterclaim against the claim of plaintiff herein.

Subscribed and sworn to before me this _____ day of _____, 19___.

_____,
Judge (Clerk or Notary Public).

SEC. 18. Section 117ha of the Code of Civil Procedure is amended to read:

117ha. No attachment or garnishment shall issue from the small claims court, but execution may issue in the manner prescribed in Title 9 of Part 2 of the Code of Civil Procedure of the State of California and upon the payment of the fees allowed by law for such services; provided, that in any judicial district or city and county wherein a municipal court shall have been established, the marshal of the municipal court is charged with the performance of the duties imposed upon the sheriff and constable. Attachment, garnishment, execution

SEC. 19. Section 117i of the Code of Civil Procedure is amended to read:

117i. If the judgment or order be against the defendant, he shall pay the same forthwith or at any time and upon such terms and conditions as the judge shall prescribe. Satisfaction of judgment

SEC. 20. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may, within 10 days of the mailing to him of notice of entry of judgment against him, appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged, and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). Except as otherwise provided in this chapter, such appeal shall be taken as provided in Chapter 3 of Title 13 of Part 2 of this code for appeals from justice courts. Appeal

SEC. 21. Section 117*l* of the Code of Civil Procedure is amended to read:

117*l*. The statement mentioned in the last section shall be accompanied by a bond substantially in the following form: Bond on appeal

In the Small Claims Court of _____, County of _____, State of California.

_____ _____, Plaintiff,
vs.
_____ _____, Defendant.

Whereas the above-entitled court in the above-entitled action did on the _____ day of _____, 19___, enter judgment in favor of the plaintiff and against the defendant in the sum of $ _____; and

Whereas the defendant is about to appeal to the superior court of the State of California in and for the above-named county;

Now, therefore, the undersigned do hereby undertake and promise that if said judgment is affirmed, in whole or in part, or the appeal from such judgment dismissed, then and in that event, the appellant will pay the amount directed to be paid by said judgment, or the part of such amount as to which the judgment is affirmed, if affirmed only in part, and all costs which may be awarded against appellant on appeal; and that if the appellant does not make such payment within 20 days after the entry by the clerk of said superior court of the modification or affirmation of said judgment, that then judgment may be entered, on motion of respondent, in his favor and against the undersigned sureties for such amount, together with the interest that may be due thereon, costs which may be awarded against the appellant on appeal and also the sum of fifteen dollars ($15) as an attorney fee.

Dated this _____ day of _____, 19___.

_____ _____,
_____ _____,
Sureties.

State of California }
City and County or County of_____ } ss.

_____ and _____, the sureties named in the above bond, being first duly sworn, each for himself and not one for the other, deposes and says that he is a _____ holder and resident within said city and county or county and within said State, and is worth the sums hereinabove mentioned, over and above all of his debts and liabilities, exclusive of property exempt from execution.

_____ _____
_____ _____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____.

Notice of the filing of the appeal and notice of the filing of the undertaking on appeal must be given to respondent within five days after filing the same. Within five days after the service of such notices upon respondent the adverse party may except to the sufficiency of the sureties, and unless they or other sureties justify before the judge of said small claims court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

SEC. 22. Section 117o of the Code of Civil Procedure is amended to read:

Forms and stationery

117o. The board of supervisors of every county wherein said small claims court shall exist, shall furnish to every judge in such county a reasonable supply of various blank forms set forth in this title, also all forms, docket book and stationery necessary for the use of such judge sitting as a small claims court.

SEC. 23. Section 117p of the Code of Civil Procedure is amended to read:

Fees

117p. A fee of one dollar ($1) shall be charged and collected for the filing of the affidavit for the commencement of any action, a fee of seventy-five cents ($0.75) shall be charged and collected for the mailing of the copy of the affidavit, and, except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

Repeal

SEC. 24. Chapter 6 of Title 1 of Part 1 of the Code of Civil Procedure, embracing Sections 121 to 122e, inclusive, is repealed.

Renumbering

SEC. 25. Chapter 7 of Title 1 of Part 1 of the Code of Civil Procedure is renumbered to be Chapter 6.

SEC. 26. Section 131.3 of the Code of Civil Procedure is amended to read:

Persons over 16 Probation officer's report

131.3. Either at the time of the arrest for crime of any person over 16 years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of such person, and must report the same to the court and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer must keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or

single, and the conduct, employment and occupation and the parents' occupation and the condition of such person so committed to his care during the term of such probation, and the result of such probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. The said books of record shall be furnished by the county clerk of said county, and shall be paid for out of the county treasury.

The probation officer shall furnish to each person released on probation and committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court or judge appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

SEC. 27. Section 134 of the Code of Civil Procedure is amended to read:

Holidays

134. No court, other than the Supreme Court and the district courts of appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday in the Political Code of this State, other than a special holiday, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

Except as herein provided, justice courts shall always be open for the transaction of business.

SEC. 28. Section 139 of the Code of Civil Procedure is amended to read:

Absence of judge

139. If no judge attends on the day appointed for the holding or sitting of a court, or on the day to which it may have been adjourned, within one hour after the time appointed, the sheriff, constable, marshal, or clerk shall adjourn the same until the next day, at 10 o'clock a.m., and if no judge attend on that day, before noon, the sheriff, constable, marshal, or clerk shall adjourn the same until the following day at the same hour, and so on, from day to day unless the judge, by written order, directs it to be adjourned to some day certain, fixed in said order, in which case it shall be so adjourned.

SEC. 29. Section 142 of the Code of Civil Procedure is amended to read:

Continuation of court at other place

142. The judge or judges authorized to hold or preside at a court appointed to be held in a particular place in a city and county, county, or judicial district, may, by an order filed with the city and county, or county clerk, and published as he or they may prescribe, direct that the court be held or continued at any

other place in the city and county, county, or judicial district than that appointed, when war, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction or danger of the building appointed for holding the court may render it necessary; and may in the same manner revoke the order, and in his or their discretion, appoint another place in the same city and county, county, or judicial district, in which such court is established, for holding the court. The judge or judges of the superior court may, in the same manner, in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other place in the county, not less than 120 miles distant from the county seat; and may also, in the same manner in his or their discretion, whenever such judge or judges deem it necessary or advisable, direct that the court be held or continued at any other city or town within the county containing a population of not less than 7,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California wherein the city hall of said city or town is not less than 55 miles distant from the site of the county courthouse or at any other city or town within the county containing a population of not less than 2,200, as ascertained by such census, wherein the city hall of said city or town is not less than 60 miles distant from the site of the county courthouse; provided further, that at least one session of the superior court shall be held in each city containing a population of not less than 35,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than eight miles distant from the site of the county courthouse; and provided further, that in any of said cities, the city hall of which is not less than eight miles distant from the site of the county courthouse, which has a population of more than 125,000, as ascertained by such census, at least three regular sessions of the superior court shall be held concurrently.

SEC. 30. Section 147 of the Code of Civil Procedure is amended to read:

147. Each of the following courts shall have a seal: Seals

1. The Supreme Court;
2. The district court of appeal;
3. The superior courts;
4. The municipal courts;
5. The justice courts.

SEC. 31. Section 149a of the Code of Civil Procedure is amended to read:

149a. The municipal court of every judicial district or city and county may use any seal having upon it the inscription, "Municipal Court _____," (inserting the name of the judicial district or city and county). Municipal courts

SEC. 32. Section 150 of the Code of Civil Procedure is amended to read:

Justice courts

150. The justice courts of every judicial district may use any seal having upon it the inscription: "Justice Court _____" (inserting the name of the county and of the judicial district in which such court is established).

SEC. 33. Section 151 of the Code of Civil Procedure is amended to read:

Acquisition of seals

151. Courts which have not the necessary seal provided, or the judge or judges thereof, shall request the supervisors of their respective counties, or cities and counties, to provide the same, and in case of their failure to do so may order the sheriff or constable to provide the same, and the expense thereof shall be a charge against the county, or city and county, as the case may be, and paid out of the general fund thereof; and until such seal be provided the clerk or judge of each court may use his private seal whenever a seal is required.

SEC. 34. Section 152 of the Code of Civil Procedure is amended to read:

Keeper of the seal

152. The clerk of the court, or the judge, when there is no clerk, shall keep the seal thereof.

SEC. 35. Section 153 of the Code of Civil Procedure is amended to read:

Documents requiring seal

153. Except as otherwise expressly provided by law, the seal of a court need not be affixed to any proceeding therein, or to any document, except:

1. To a writ;

2. To a summons;

3. To a warrant of arrest;

4. To the certificate of probate of a will or of the appointment of an executor, administrator, or guardian;

5. To the authentication of a copy of a record or other proceeding of a court, or of an officer thereof, or of a copy of a document on file in the office of the clerk or judge.

SEC. 36. Section 166 of the Code of Civil Procedure is amended to read:

Action at chambers

166. The judge or judges of the superior, municipal and justice courts may, at chambers, in the matters within the jurisdiction of their respective courts:

1. Grant all orders and writs which are usually granted in the first instance upon an ex parte application, and may, at chambers, hear and dispose of such orders and writs; and may also, at chambers, appoint appraisers, receive inventories and accounts to be filed, suspend the powers of executors, administrators, or guardians in the cases allowed by law, grant special letters of administration or guardianship, approve claims and bonds, and direct the issuance from the court of all writs and process necessary in the exercise of their powers in matters of probate;

2. Hear and determine all motions made pursuant to Sections 657 or 663 of this code;

3. Hear and determine all uncontested actions, proceedings, demurrers, motions, petitions, applications, and other matters pending before the court other than actions for divorce,

maintenance or annulment of marriage, and except also applications for confirmation of sale of real property in probate proceedings.

A judge, may, out of court, anywhere in the State, exercise all the powers and perform all the functions and duties conferred upon a judge as contradistinguished from the court, or which a judge may exercise or perform at chambers.

SEC. 37. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding: Grounds for disqualification

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation; Financial interest

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation; Same

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed; Relationship

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding; Former clients

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him. Bias, prejudice

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in Procedure for disqualification

Declaration

the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

Affidavit Justice court

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 of this code shall apply to such transfer.

Objection Court of record

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge.

Consent or answer of judge

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

Hearing

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge requested to act by the chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to

answer, it shall be the duty of the clerk then to notify the chairman of the Judicial Council of that fact; and it shall be the duty of the chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to request some other judge, not disqualified, to hear and determine the question

Substitute

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, appointed by the chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

Suits against Reclamation Board

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right of way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge requested to sit therein by the chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

Same Default cases

7. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which

any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4, Part 2 of this code.

SEC. 38. Section 170a of the Code of Civil Procedure is amended to read:

Appellate courts

170a. No justice or judge before whom a cause or question may have been tried or heard, shall sit or act, in an appellate tribunal, on the trial or hearing of such cause or question.

SEC. 39. Section 171 of the Code of Civil Procedure is amended to read:

Prohibition against practice of law, etc

171. No justice, or judge of a court of record, or county clerk, shall practice law in any court of this State, nor act as attorney, agent, or solicitor in the prosecution of any claim or application for lands, pensions, patent rights, or other proceedings, before any department of the State or general government, or courts of the United States, during his continuance in office; nor shall any judge of a justice court practice law before any justice court in the county in which he resides.

SEC. 40. Section 172 of the Code of Civil Procedure is amended to read:

Partners

172. No justice, judge, or other elective judicial officer, or court commissioner, shall have a partner acting as attorney or counsel in any court of this State except that any judge of the justice court may have a partner or partners acting as attorney or counsel in any court in which such judge of the justice court may under the law so act as such attorney or counsel.

SEC. 41. Section 188 of the Code of Civil Procedure is amended to read:

Court deposits

188. When any money is deposited with the clerk or judge of any court, pursuant to any action or proceeding therein, or pursuant to any order, decree or judgment of the court, or when any money is to be paid to the treasurer pursuant to any provision of this code, such money shall be forthwith deposited with such treasurer and a duplicate receipt of the treasurer therefor shall be filed with the auditor. The certificate of the auditor that such duplicate receipt has been so filed shall be necessary before the clerk, judge, or party required to deposit such money shall be entitled to a discharge of the obligation imposed upon him to make such deposit. When any money so deposited is to be withdrawn or paid out, the order directing such payment or withdrawal shall require the auditor to draw his warrant therefor and the treasurer to pay the same; provided, however, that in

any city, or city and county, governed by a charter, such withdrawals shall be made as provided in such charter.

SEC. 42. Section 274c of the Code of Civil Procedure is amended to read:

Phonographic reporters

274c. Each municipal court in this State, a majority of the judges concurring, may, by order entered upon the minutes of the court, appoint as many competent phonographic reporters as the business of the court may require, to be known as official reporters of such court, and to hold office during the pleasure of the judges of such court respectively. Such reporters, or any one of them, must, at the request of either party or of the court in a civil proceeding, or on the order of the court in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court. Those sections of the Code of Civil Procedure of this State numbered 270 to 274, inclusive, are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts.

SEC. 43. Section 372 of the Code of Civil Procedure is amended to read:

Guardians

372. When an infant, or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian ad litem appointed by the court in which the action is pending, or by a judge thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. The general guardian or guardian ad litem so appearing for any infant or insane or incompetent person in any action or proceeding shall have power, with the approval of the court in which such action or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against his ward, and to satisfy any judgment or order in favor of said ward or release or discharge any claim of said ward pursuant to such compromise. If the money or the value of other property to be paid or delivered under said order or judgment does not exceed two thousand dollars ($2,000), and there is no general guardian of the ward, the court in which said order or judgment is entered may, in its discretion, require that any

money paid thereunder be deposited in a bank or trust company subject to withdrawal only upon the order of the court, or it may require a general guardian to be appointed and the money or other property to be paid or delivered to such guardian, or prescribe such other conditions as in the discretion of the court seems to the best interests of the ward. If the money or the value of other property to be paid or delivered under said order or judgment exceeds two thousand dollars ($2,000), and there is no general guardian of the ward, the court in which said order or judgment is entered must require a general guardian to be appointed and must direct that the money or other property be paid or delivered to such guardian or in lieu thereof it must require that any moneys so paid be deposited in a bank or trust company subject to withdrawal only upon the order of the court or, as to any property to be received by the ward shall prescribe such conditions as the court may deem proper.

SEC. 44. Section 406 of the Code of Civil Procedure is amended to read:

Endorsement of complaint, issuance of summons

406. The clerk, or, if there be no clerk, the judge, must endorse on the complaint the day, month, and year that it is filed, and at any time within one year thereafter the plaintiff may have a summons issued, and if the action be brought against two or more defendants, who reside in different counties, may have a summons issued for each of such counties at the same time. At any time within the year after the complaint is filed, the defendant may, in writing, or by appearing and answering or demurring, waive the issuing of summons. If the action be brought upon a joint contract of two or more defendants, and one of them has appeared within the year, the other or others may be served or appear after the year at any time before the trial.

SEC. 45. Section 407 of the Code of Civil Procedure is amended to read:

Summons Form, contents

407. The summons must be directed to the defendant, signed by the clerk or judge, and issued under the seal of the court. It must contain:

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justice courts, the name of the judicial district in which such court is established;

2. The names of the parties to the action;

3 A direction that the defendant appear and answer the complaint within 10 days, if the summons is served within the county in which the action is brought, or within 30 days, if served elsewhere, except that if the action is against the State pursuant to Section 738.5 of this code, within 180 days;

4. A notice, that unless the defendant so appears and answers, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint.

SEC. 46. Section 408 of the Code of Civil Procedure is amended to read:

Alias summons

408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, or judge, upon demand of the plaintiff, may issue an alias summons in the same form as the original, and within such time as the original might have been served if it had not been lost or returned. As many alias summonses as are necessary may be issued within such time.

SEC. 47. Section 410 of the Code of Civil Procedure is amended to read:

Service, return of summons

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found, or any other person over the age of 18, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the summons is served by the sheriff, a constable or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to the office of the clerk or judge from which it issued. When it is served by any other person, it must be returned to the same place, with the affidavit of such person of its service, and of the service of a copy of the complaint.

If the summons is lost subsequent to service and before it is returned, an affidavit of the official or other person making service, showing the facts of service of the summons, may be returned in lieu of the summons and with the same effect as if the summons were itself returned.

SEC. 48. Section 412 of the Code of Civil Procedure is amended to read:

Service by publication Grounds

412. Where the person on whom service is to be made resides out of the State; or has departed from the State; or can not, after due diligence, be found within the State; or conceals himself to avoid the service of summons; or is a corporation having no officer or other person upon whom summons may be served, who, after due diligence, can be found within the State, and the fact appears by affidavit to the satisfaction of the court, or a judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file, that it is an action which relates to or the subject of which is real or personal property in this State, in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or corporation from any interest therein, such court, or judge, may make an order that the service be made by the publication of the summons.

SEC. 49. Section 422 of the Code of Civil Procedure is amended to read:

Pleadings

422. The only pleadings allowed on the part of the plaintiff are:

1. The complaint;
2. The demurrer to the answer;
3. The demurrer to the cross-complaint;
4. The answer to the cross-complaint;

And on the part of the defendant:

1. The demurrer to the complaint;
2. The answer;
3. The cross-complaint;
4. The demurrer to the answer to the cross-complaint.

(In justice courts, the pleadings are not required to be in any particular form, but must be such as to enable a person of common understanding to know what is intended; in justice courts, the pleadings may, except the complaint, or cross-complaint be oral or in writing; need not be verified, unless otherwise provided in this title; if in writing, must be filed with the judge; if oral, an entry of their substance must be made in the docket.)

SEC. 50. Section 426 of the Code of Civil Procedure is amended to read:

Contents of complaint

426. The complaint must contain:

1. The title of the action, the name of the court and county, and, in municipal and justice courts, the name of the judicial district, in which the action is brought; the names of the parties to the action;

2. A statement of the facts constituting the cause of action, in ordinary and concise language;

3. A demand of the relief which the plaintiff claims. If the recovery of money or damages be demanded, the amount thereof must be stated; provided, that in justice courts, a copy of the account, note, bill, bond, or instrument upon which the action is based is a sufficient complaint. If the demand be for relief on account of the alleged infringement of the plaintiff's rights in and to a literary, artistic or intellectual production, there must be attached to the complaint a copy of the production as to which the infringement is claimed and a copy of the alleged infringing production. If, by reason of bulk or the nature of the production, it is not practicable to attach a copy to the complaint, that fact and the reasons why it is impracticable to attach a copy of the production to the complaint shall be alleged; and the court, in connection with any demurrer, motion or other proceedings in the cause in which a knowledge of the contents of such production may be necessary or desirable, shall make such order for a view of the production not attached as will suit the convenience of the court, to the end that the contents of such production may be deemed to be a part of the complaint to the same extent and with the same force as though such production had been capable of being and had been attached to the complaint. The attachment of any such production in accordance with the provisions hereof shall

not be deemed a making public of the production within the meaning of Section 983 of the Civil Code.

SEC. 51. Section 437 of the Code of Civil Procedure is amended to read:

437. The answer of the defendant shall contain: Contents of answer

1. A general or specific denial of the material allegations of the complaint controverted by the defendant.

2. A statement of any new matter constituting a defense or counterclaim.

Except in justice courts, if the complaint be verified, the denial of the allegations controverted must be made positively, or according to the information and belief of the defendant. If the defendant has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer, and place his denial on that ground. The denials of the allegations controverted may be stated by reference to specific paragraphs or parts of the complaint; or by express admission of certain allegations of the complaint with a general denial of all of the allegations not so admitted; or by denial of certain allegations upon information and belief, or for lack of sufficient information or belief, with a general denial of all allegations not so denied or expressly admitted. If the complaint be not verified, a general denial is sufficient, but only puts in issue the material allegations of the complaint.

SEC. 52. Section 437b of the Code of Civil Procedure is amended to read:

437b. In any action in which the demand, exclusive of interest, or the value of the property in controversy, does not exceed five hundred dollars ($500), the defendant at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim. Special pleading Actions less than $500

SEC. 53. Section 437c of the Code of Civil Procedure is amended to read:

437c. In superior courts and municipal courts when an answer is filed in an action to recover upon a debt or upon a liquidated demand including an action to enforce or foreclose a lien or mortgage or to recover an unliquidated debt or demand for a sum of money only arising on a contract express or implied in fact or in law or to recover possession of specific real or personal property or for specific performance of a contract in writing for the sale or purchase of property, or for an accounting arising on a written contract if it is claimed that there is no defense to the action or that the action has no merit, on motion of either party, after notice of the time and place thereof in writing served on the other side at least 10 days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless Summary judgment

the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. A judgment so entered is an appealable judgment as in other cases.

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff or defendant to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that affiant, if sworn as a witness, can testify competently thereto.

The affidavit or affidavits in opposition to said motion shall be made by the plaintiff or defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the party has a good and substantial defense to the plaintiff's action (or to a portion thereof) or that a good cause of action exists upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the court shall, by order, so declare, and plaintiff's claim shall be deemed established as to so much thereof as such defense shall not apply to, or as is admitted, and the cause of action may be severed accordingly, and the action may proceed as to the remainder of such claim. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award to plaintiff the amount of his claim so established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases.

SEC. 54. Section 446 of the Code of Civil Procedure is amended to read:

Subscription, verification of pleadings

446. Every pleading (except in justice courts when the pleadings are oral) shall be subscribed by the party or his attorney. When the State, any county thereof, city, or school district, or any officer of the State, or of any county thereof, city, or school district, in his official capacity, is plaintiff, the answer shall be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless a county thereof, city, or school district, or an officer of the State, or of any county, city, or school district, in his official capacity, is defendant. Except in justice courts, when the complaint is verified, the answer shall be verified. In all cases of a verification of a pleadings, the affidavit of the party shall state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or

belief, and as to those matters that he believes it to be true; and where a pleading is verified, it shall be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he shall set forth in the affidavit the reasons why it is not made by one of the parties

When a corporation is a party, the verification may be made by any officer thereof. When the State, any county thereof, city, or school district, or any officer of the State, or of any county thereof, city, or school district, in his official capacity is plaintiff, the complaint need not be verified; and if the State, any county thereof, city, or school district, or an officer of such state, county, city, or school district in his official capacity is defendant, its or his answer need not be verified.

SEC. 55. Section 465 of the Code of Civil Procedure is amended to read:

465. All pleadings subsequent to the complaint, must be filed with the clerk or judge, and copies thereof served upon the adverse party or his attorney; provided, that in actions in justice courts, when the pleadings are oral, an entry of their substance in the docket is sufficient. Subsequent pleadings

SEC. 56. Section 472 of the Code of Civil Procedure is amended to read:

472. Any pleading may be amended once by the party of course, and without costs, at any time before the answer or demurrer is filed, or entered in the docket, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended and serving a copy on the adverse party, who may have 10 days thereafter in which to answer or demur to the amended pleading; provided, that in justice courts when the pleading is oral, the amendment may be oral, the substance thereof being entered in the docket, and the adverse party shall have 10 days from notice of such amendment in which to answer or demur thereto. Amendment of pleadings

SEC. 57. Section 472a of the Code of Civil Procedure is amended to read:

472a. A demurrer is not waived by an answer filed (or entered in the docket in the justice court) at the same time. When the demurrer to a complaint, or to a cross-complaint, is overruled, and there is no answer filed (or entered), the court may, upon such terms as may be just, allow an answer. If a demurrer to the answer be overruled, the action must proceed as if no demurrer had been interposed, and the facts alleged in the answer must be considered as denied to the extent mentioned in Section 462 of this code. Demurrer

When a demurrer is sustained, the court may grant leave to amend the pleading and shall fix the time within which such amendment or amended pleading shall be filed, or entered in the docket.

SEC. 58. Section 477 of the Code of Civil Procedure is amended to read:

Justice court remedies

477. Except as otherwise expressly provided, the provisional remedies, deposit in court, injunction and receivers, may not be had in justice courts.

SEC. 59. Section 480 of the Code of Civil Procedure is amended to read:

Order for arrest

480. An order for the arrest of the defendant must be obtained from a judge of the court in which the action is brought.

SEC. 60. Section 481 of the Code of Civil Procedure is amended to read:

Requirements

481. The order may be made whenever it appears to the judge, by the affidavit of the plaintiff, or some other person, that a sufficient cause of action exists, and that the case is one of those mentioned in Section 479. The affidavit must be either positive or upon information and belief; and when upon information and belief, it must state the facts upon which the information and belief are founded. If an order of arrest be made, the affidavit must be filed with the clerk or with the judge where there is no clerk.

SEC. 61. Section 482 of the Code of Civil Procedure is amended to read:

Undertaking

482. Before making the order, the judge must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, to the effect that the plaintiff will pay all costs which may be adjudged to the defendant, and all damages which he may sustain by reason of the arrest, if the same be wrongful, or without sufficient cause, not exceeding the sum specified in the undertaking.

Such undertaking shall be in a sum to be fixed by the judge, not less than three hundred dollars ($300). The undertaking must be filed with the clerk, or with the judge if there is no clerk.

At any time after the making of the order of arrest, but not later than five days after the execution thereof, the defendant may notify the plaintiff that he does not accept the sureties on such undertaking. If he fails to do so, he shall be deemed to have waived all objections to such sureties. Within five days after the receipt of such notice the plaintiff may give to the defendant notice of the justification of such sureties, or other sureties, specifying the places of residence and occupations of the latter, before a judge or clerk of the court where the action is pending, at a specified time and place, the time to be not less than two nor more than five days thereafter, except by consent of the parties. Such justification shall be in the manner hereinafter in this chapter provided. In case other sureties justify a new undertaking must be given. If such sureties or others in their place, fail to justify the order of arrest shall be vacated.

SEC. 62. Section 483 of the Code of Civil Procedure is amended to read:

Time, contents of order

483. The order may be made at the time of the issuing of the summons, or at any time afterwards before judgment. It

must require the sheriff, or any constable or marshal of the county where the defendant may be found, forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time therein mentioned, to the clerk or judge of the court in which the action is pending.

SEC. 63. Section 492 of the Code of Civil Procedure is amended to read:

Return of order, exception to bail

492. Within the time limited for that purpose, the sheriff, constable or marshal making the arrest, must file the order of arrest in the office of the clerk or if there be no clerk, with the judge, of the court in which the action is pending, with his return endorsed thereon, together with a copy of the undertaking of the bail. The original undertaking he must retain in his possession until filed, as herein provided. The plaintiff, within 10 days thereafter, may serve upon such officer a notice that he does not accept the bail, or he is deemed to have accepted them, and the officer is exonerated from liability. If no notice be served within 10 days, the original undertaking must be filed with the clerk, or if there be no clerk, with the judge, of the court.

SEC. 64. Section 493 of the Code of Civil Procedure is amended to read:

Justification of bail

493. Within five days after the receipt of notice, the sheriff, constable or marshal, or the defendant may give to the plaintiff or his attorney notice of the justification of the same, or other bail (specifying the places of residence and occupations of the latter), before a judge of the court, or the clerk of the court, at a specified time and place; the time to be not less than five nor more than 10 days thereafter, except by consent of the parties. In case other bail be given, there must be a new undertaking.

SEC. 65. Section 494 of the Code of Civil Procedure is amended to read:

Qualifications of bail

494. The qualifications of bail are as follows:

1. Each of them must be a resident and householder, or freeholder, within the State.

2. Each must be worth the amount specified in the order of the arrest, or the amount to which the order is reduced, as provided in this chapter, over and above all his debts and liabilities, exclusive of property exempt from execution; but the judge or clerk, on justification, may allow more than two sureties to justify severally, in amounts less than that expressed in the order, if the whole justification be equivalent to that of two sufficient bail.

SEC. 66. Section 495 of the Code of Civil Procedure is amended to read:

Examination of bail

495. For the purpose of justification, each of the bail must attend before the judge or clerk, at the time and place mentioned in the notice, and may be examined on oath on the part of the plaintiff, touching his sufficiency, in such manner as the judge or clerk, in his discretion, may think proper. The examination must be reduced to writing, and subscribed by the bail, if required by the plaintiff.

SEC. 67. Section 496 of the Code of Civil Procedure is amended to read:

Sufficient bail

496. If the judge or clerk find the bail sufficient, he must annex the examination to the undertaking, endorse his allowance thereon, and cause them to be filed, and the sheriff, constable, or marshal is thereupon exonerated from liability.

SEC. 68. Section 498 of the Code of Civil Procedure is amended to read:

Payment of deposit into court

498. The sheriff, constable, or marshal must, immediately after the deposit, pay the same into court, and take from the clerk or judge receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff's attorney, or to the plaintiff if he has no attorney, and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the sheriff, constable, or marshal to collect the sum deposited, as in other cases of delinquency.

SEC. 69. Section 499 of the Code of Civil Procedure is amended to read:

Refund of money

499. If money is deposited, as provided in the two last sections, bail may be given and may justify upon notice, at any time before judgment; and on the filing of the undertaking and justification with the clerk or judge, the money deposited must be refunded to the defendant.

SEC. 70. Section 500 of the Code of Civil Procedure is amended to read:

Application of bail

500. Where money has been deposited, if it remain on deposit at the time of the recovery of a judgment in favor of the plaintiff, the clerk, under the direction of the court, or the judge, where there is no clerk, must apply the same in satisfaction thereof; and after satisfying the judgment, refund the surplus, if any, to the defendant. If the judgment is in favor of the defendant, the clerk, under like direction of the court, or the judge, where there is no clerk, must refund to him the whole sum deposited and remaining unapplied.

SEC. 71. Section 503 of the Code of Civil Procedure is amended to read:

Reduction of bail

503. A defendant arrested may, at any time before the trial of the action, or if there be no trial, before the entry of judgment, apply to the judge who made the order, or to the court in which the action is pending, upon reasonable notice, to vacate the order of arrest or to reduce the amount of bail. If the application be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs in addition to those on which the order of arrest was made.

SEC. 72. Section 515 of the Code of Civil Procedure is amended to read:

Justification by sureties

515. The defendant's sureties, upon notice to the plaintiff of not less than two nor more than five days, must justify before a judge or the clerk, of the court in which the

action is pending in the same manner as upon bail on arrest; and upon such justification the officer taking the property must deliver the property to the defendant. Such officer is responsible for the defendant's sureties until they justify, or until the justification is completed or waived, and may retain the property until that time. If they, or others in their place, fail to justify at the time and place appointed, he must deliver the property to the plaintiff.

SEC. 73. Section 520 of the Code of Civil Procedure is amended to read:

Return by attache

520. The sheriff, constable, or marshal must file the notice, undertaking, and affidavit, with his proceedings thereon, with the clerk or if there be no clerk, with the judge of the court in which the action is pending, within 20 days after taking the property mentioned therein.

SEC. 74. Section 539 of the Code of Civil Procedure is amended to read:

Undertaking on attachment

539. Before issuing the writ, the clerk or judge must require a written undertaking on the part of the plaintiff with two or more sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under Section 537, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. The sum specified in the undertaking shall be such as the clerk or judge of the court in which the action is pending may require, not less than fifty dollars ($50), nor more than the amount claimed by the plaintiff, but nothing herein shall be construed to preclude the acceptance of an undertaking in which a larger sum is specified, if such undertaking be offered.

At any time after the issuing of the attachment, but not later than five days after actual notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objection to them. When excepted to, the plaintiff's sureties, within five days from service of written notice of exception, upon notice to the defendant of not less than two nor more than five days, must justify before the judge or clerk of the court in which the action is pending, in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the writ of attachment must be vacated.

SEC. 75. Section 540 of the Code of Civil Procedure is amended to read:

Writ of attachment, duty of attache

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt

from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached; provided, however, that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, and no undertaking is given as herein provided, then the officer making the levy must, if the defendant consents, place a keeper in charge of said attached property, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff, constable, or marshal shall take said property into his immediate custody, unless other disposition is made by the court or the parties to the action.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching, or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties.

SEC. 76. Section 545 of the Code of Civil Procedure is amended to read:

Examination of garnishee

545. Any person owing debts to the defendant, or having in his possession, or under his control, any credits or other personal property belonging to the defendant, may be required to attend before the court or judge, or a referee appointed by the court or judge and be examined on oath respecting the same. The defendant may also be required to attend for the purpose of giving information respecting his property, and may be examined on oath. The court, judge or referee may, after such examination, order personal property, capable of manual delivery, to be delivered to the sheriff, constable, or marshal on such terms as may be just, having reference to any liens thereon or claims against the same, and a memorandum to be given of all other personal property, containing the amount and description thereof.

SEC. 77. Section 548 of the Code of Civil Procedure is amended to read:

Sale of attached property

548. Whenever property has been taken by an officer under a writ of attachment and it is made to appear satisfactorily to the court, or a judge thereof, that the interest of the parties to the action will be subserved by a sale thereof, the court or judge may order such property to be sold in the same manner as property is sold under an execution, and the proceeds to be deposited in the court to abide the judgment in the action. Such order can be made only (1) after notice to the adverse party or his attorney in case such party has been personally served with a summons in the action or, (2) after an order of service of summons by publication has been made.

SEC. 78. Section 554 of the Code of Civil Procedure is amended to read:

Discharge of attachment

554. Whenever any defendant has appeared in the action, such defendant may upon reasonable notice to the plaintiff, apply to the court in which the action is pending, or to the judge thereof, for an order to discharge the attachment wholly, or in part; and upon the execution of the undertaking mentioned in the next section, an order may be made releasing from the operation of the attachment, any or all of the property of such defendant attached; and all of the property so released and all of the proceeds of the sales thereof, must be delivered to such defendant upon the justification of the sureties on the undertaking, if required by the plaintiff. Such justification must take place within five days after the notice of the filing of such undertaking.

SEC. 79. Section 555 of the Code of Civil Procedure is amended to read:

Undertaking by defendant

555. Before making such order, the court or judge must require an undertaking on behalf of such defendant, by at least two sureties, residents and freeholders, or householders in the State to the effect that in case the plaintiff recovers judgment in the action against the defendant, by whom, or

in whose behalf such undertaking shall be given, such defendant will, on demand, redeliver the attached property so released to the proper officer, to be applied to the payment of any judgment in such action against said defendant, or in default thereof, that such defendant and sureties will, on demand, pay to the plaintiff the full value of the property released not exceeding the amount of such judgment against such defendant. The court or judge making such order may fix the sum for which the undertaking must be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by one or more disinterested persons, to be appointed for that purpose. The sureties may be required to justify before the court or judge and the property attached cannot be released from the attachment without their justification if the same is required.

SEC. 80. Section 556 of the Code of Civil Procedure is amended to read:

Discharge of irregular attachment

556. The defendant may also at any time, either before or after the release of the attached property, or before any attachment shall have been actually levied, apply, on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to a judge thereof, that the writ of attachment be discharged on the ground that the same was improperly or irregularly issued.

SEC. 81. Section 573 of the Code of Civil Procedure is amended to read:

Deposits

573. Whenever money is paid into or deposited in the court, the same must be delivered to the clerk, or, if there be no clerk, to the judge, in person, or to such of the clerk's deputies as shall be specially authorized by his appointment in writing to receive the same. Such appointment must be filed with the county treasurer, who must exhibit it, and give to each person applying for the same a certified copy of the same. It shall be in force until a revocation in writing is filed with the county treasurer, who must thereupon write "revoked," in ink, across the face of the appointment. The judge, clerk, or such deputy clerk, must, unless otherwise directed by law, deposit such money with the county treasurer, to be held by him subject to the order of the court. The treasurer must keep each fund distinct, and open an account for each. For the safekeeping of the money deposited with him the treasurer is liable on his official bond.

SEC. 82. Section 581 of the Code of Civil Procedure is amended to read:

Dismissal of action

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that a counter claim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the under-

taking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when, after a demurrer to the complaint has been sustained, the plaintiff fails to amend it within the time allowed by the court, and the defendant moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section, shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a counterclaim or cross-complaint filed in said action or of depriving the defendant of affirmative relief sought by his answer therein. Dismissals without prejudice may be had in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

SEC. 83. Section 581b of the Code of Civil Procedure is amended to read:

Suspension, dismissal for nonpayment of fees

581b. No action heretofore or hereafter commenced, where the same was not originally commenced in the proper court, and which has been ordered transferred to the proper court, shall be further prosecuted, and no further proceedings shall be had therein, until the fees and costs of the transfer thereof and of filing the papers in the court to which transferred have been paid, as provided in Section 399 of this code; and all such actions heretofore or hereafter commenced must be dismissed by the court in which the action or proceeding was originally commenced, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, where the costs and fees of making up the transcript or papers or for transmission of the same to the clerk or judge of the court to which it is ordered transferred, or of filing the papers anew, have not been so paid for one year after the entry of the order for transfer.

SEC. 84. Section 581d of the Code of Civil Procedure is amended to read:

Entry of dismissal

581d. A written dismissal of an action shall be entered in the clerk's register or in the docket in the justice court, as the case may be, and is effective for all purposes when so entered.

All dismissals ordered by the court shall be entered upon the minutes thereof or in the docket in the justice court, as the case may be, and such orders when so entered shall constitute judgments and be effective for all purposes, and the clerk in superior and municipal courts shall note such judgments in his register of actions in the case.

SEC. 85. Section 585 of the Code of Civil Procedure is amended to read:

Default judgments

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of said defendants have, been personally served and no answer or demurrer has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may have been granted, the clerk, or the judge, if there be no clerk, upon application of the plaintiff, and proof of such service of summons, must enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the amount demanded in the complaint, including the costs against said defendant, or defendants, or against one or more of said defendants.

2. In other actions, if the defendant has been personally served and no answer or demurrer has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may have been granted, the clerk, in courts having a clerk, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident

of the State, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant. Default judgments

SEC. 86. Section 594 of the Code of Civil Procedure is amended to read:

594. 1. In superior courts and municipal courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise direct, may proceed with his case, and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof must first be made to the satisfaction of the court that the adverse party has had five days notice of such trial. Proceedings for default

2. In justice courts if either party fails to appear at the time fixed for trial, the trial may proceed at the request of the adverse party. When all the parties served with process shall have appeared, or when some of them have appeared, and the default of the others has been entered, the judge must fix the day for trial, whether the issue be one of law or fact, and the day so fixed for such trial shall be entered on the docket. Notice of the day so fixed for trial shall be given, as herein provided, to the parties to the action who have appeared. Such notice shall be in writing, signed by the judge, or by the clerk, if there be a clerk, and substantially in the following form: Same Justice courts

In the Justice Court, _____ Judicial District, County of _____, State of California.

_____ _____, Plaintiff,
vs.
_____ _____, Defendant.

To _____, plaintiff (or attorney for plaintiff) and to _____, defendant (or attorney for defendant).

You and each of you will please take notice that the undersigned judge before whom the above-entitled cause is pending, has set for hearing the demurrer of _____, filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said judicial district, at _____ o'clock, ____m., on the _____ day of _____, 19___.

Dated this _____ day of _____, 19___.

(Signed) _____ _____,
Judge,

By _____ _____,
Clerk (if signed by clerk).

When a party has appeared by attorney, the notice may be served upon the attorney either personally or by mail, or in the manner prescribed by subdivision 1 of Section 1011 of this code

When a party appears in person, he shall leave with the judge, or with the clerk, if there be a clerk, an address, where service of such notice may be made, which shall be entered upon the docket, and such notice may, if such address be within the county in which the cause is pending, be served on such party personally, if he can be found at such address, otherwise, it may be served by mail, in the manner hereinafter specified.

When such notice is personally served, it must be served at least five days before the day so fixed for such trial, and may be served by any person competent to serve a summons in such justice court. It shall be served, returned and filed in the same manner as a summons.

When such notice is served by mail, it shall be served as follows: For each person who is to be so served with such notice, the judge, or clerk, if there be a clerk, shall place a copy of such notice in an envelope, seal the same, and address it to the person on whom it is to be served, at the place of residence of such person (or at his office if such person is an attorney), and deposit the same in the post office, at least 10 days before the day so fixed for the trial, with the postage prepaid thereon.

When such notice is served by mail, the judge shall enter on his docket the date of mailing such notice, and such entry shall be prima facie evidence of the fact of such service

SEC. 87. Section 596 of the Code of Civil Procedure is amended to read:

Deposition where trial postponed

596 The party obtaining a postponement of a trial, if required by the adverse party, must consent that the testimony of any witness of such adverse party, who is in attendance, be then taken by deposition before a judge or clerk of the court in which the case is pending, or before such notary public as the court may indicate, which must accordingly be done; and the testimony so taken may be read on the trial, with the same effect, and subject to the same objections, as if the witnesses were produced.

SEC. 88. Section 600 of the Code of Civil Procedure is amended to read:

600. When the action is called for trial by jury, the clerk, or the judge where there is no clerk must draw from the trial jury box of the court the ballots containing the names of the jurors, until the jury is completed, or the ballots are exhausted. Drawing of jurors

SEC. 89. Section 607a of the Code of Civil Procedure is amended to read:

607a. In every case which is being tried before the court with a jury, it shall be the duty of counsel for the respective parties, before the first witness is sworn, to deliver to the judge presiding at the trial, and serve upon opposing counsel, all proposed instructions to the jury covering the law as disclosed by the pleadings. Thereafter, and before the court has commenced instructing the jury, and before the commencement of the argument, counsel may deliver to such judge, and serve upon opposing counsel, additional proposed instructions to the jury upon questions of law developed by the evidence and not disclosed by the pleadings. All proposed instructions shall be typewritten, each on a separate sheet of paper. Any proposed instruction which is delivered to the judge at a time later than is provided for herein may be disregarded; but, in that event, the judge shall write upon the margin of such proposed instruction the fact that he refused to consider the same for the reason that the requirements of this section have been disregarded. Proposed instructions to jury

SEC. 90. Section 628 of the Code of Civil Procedure is amended to read:

628. In superior courts and municipal courts upon receipt of a verdict, an entry must be made in the minutes of the court, specifying the time of trial, the names of the jurors and witnesses, and setting out the verdict at length; and where special verdict is found, either the judgment rendered thereon, or if the case be reserved for argument or further consideration, the order thus reserving it. Entry of verdict

In justice courts the verdict of the jury shall be entered in the docket as provided in Section 116 of this code.

SEC. 91. Section 631 of the Code of Civil Procedure is amended to read:

631. Trial by jury may be waived by the several parties to an issue of fact in manner following: Waiver of jury trial

1. By failing to appear at the trial;

2. By written consent filed with the clerk or judge;

3. By oral consent, in open court, entered in the minutes or docket;

4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation; provided, that in justice courts such waiver may be made by failure of either party to demand a jury within two days after service upon him of the notice provided for in Section 594 of this code;

provided further, that in any superior court action if a jury is demanded by either party in the memorandum to set cause for trial and such party thereafter by announcement or by operation of law waives a trial by jury, then in said event any and all adverse party or parties shall be given 10 days' written notice by the clerk of the court of such waiver, whereupon, notwithstanding any rule of the court to the contrary, such adverse party or parties shall have not exceeding five days immediately following the receipt of such notice of waiver, within which to file and serve a demand for a trial by jury and deposit advance jury fees for the first day's trial whenever such deposit is required by rule of court, and if it is impossible for the clerk of the court to give such 10 days' notice by reason of the trial date, or if for any cause said notice is not given, the trial of said action shall be continued by the court for a sufficient length of time to enable the giving of such notice by the clerk of the court to such adverse party.

Regardless of anything contained in the foregoing to the contrary, the court may in its discretion, upon such terms as may be just, allow a trial by jury to be had, although there has been a waiver of such a trial.

5. By failing to deposit with the clerk, or judge, a sum equal to the amount of one day's jury fees payable under the law, as provided herein. In justice courts such deposit must be made two days prior to the date set for trial or prior to the date to which the trial has been postponed because of the demand for a jury trial; in other courts such deposit must be made 10 days prior to the date set for trial.

6. By failing to deposit with the clerk or judge, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time;

7. By failing to deposit with the clerk or judge, at the beginning of the second and each succeeding day's session a sum equal to one day's fees of the jury, and the mileage or transportation, if any there be.

The court may, in its discretion upon such terms as may be just, allow a trial by jury to be had although there has been a waiver of such a trial.

SEC. 92. Section 632 of the Code of Civil Procedure is amended to read:

Separate findings of fact and law

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, its decision must be given in writing and filed with the clerk within 30 days after the cause is submitted for decision In giving the decision, the facts found and the conclusions of law must be separately stated. In all cases written findings of fact and conclusions of law shall be deemed waived by a party by failure to appear at the trial In municipal courts written findings of fact and conclusions of law shall be deemed waived unless they shall be expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required

to make any written findings of fact and conclusions of law in cases in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed three hundred dollars ($300). In superior courts, written findings of fact and conclusions of law may be waived by consent in writing filed with the clerk or judge, or by oral consent in open court, entered in the minutes.

Judgment upon the decision must be entered accordingly.

2. In justice courts when the trial is by the court, judgment must be entered as provided in Section 664 of this code.

SEC. 93. Section 638 of the Code of Civil Procedure is amended to read:

Reference by agreement

638. A reference may be ordered upon the agreement of the parties filed with the clerk, or judge, or entered in the minutes or in the docket:

1. To try any or all of the issues in an action or proceeding, whether of fact or of law, and to report a finding and judgment thereon;

2. To ascertain a fact necessary to enable the court to determine an action or proceeding.

SEC. 94. Section 639 of the Code of Civil Procedure is amended to read:

Reference without agreement

639. Except in justice courts, when the parties do not consent, the court may, upon the application of either, or of its own motion, direct a reference in the following cases:

1. When the trial of an issue of fact requires the examination of a long account on either side; in which case the referees may be directed to hear and decide the whole issue, or report upon any specific question of fact involved therein;

2. When the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect;

3. When a question of fact, other than upon the pleadings, arises upon motion or otherwise, in any stage of the action;

4. When it is necessary for the information of the court in a special proceeding.

SEC. 95. Section 640 of the Code of Civil Procedure is amended to read:

Qualifications of referee

640. A reference may be ordered to the person or persons, not exceeding three, agreed upon by the parties. If the parties do not agree, the court or judge must appoint one or more referees, not exceeding three, who reside in the county in which the action or proceeding is triable, and against whom there is no legal objection, or the reference may be made to a court commissioner of the county where the cause is pending; provided, that in any action brought under Title 7 of Part 3 of this code, if the plaintiff is the State, a county, city and county, or any incorporated city or town, or a municipal water district, the referees are not required to be residents of the county in which the action or proceeding is triable. Nothing herein contained shall be construed as repealing any law of this State

giving jurisdiction to the State Railroad Commission to ascertain the just compensation which must be paid in eminent domain proceedings.

SEC. 96. Section 641 of the Code of Civil Procedure is amended to read:

Objections to referee

641. A party may object to the appointment of any person as referee, on one or more of the following grounds:

1. A want of any of the qualifications prescribed by statute to render a person competent as a juror;

2. Consanguinity or affinity, within the third degree, to either party, or to an officer of a corporation which is a party, or to any judge of the court in which the appointment shall be made;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party; or being a member of the family of either party; or a partner in business with either party; or security on any bond or obligation for either party;

4. Having served as a juror or been a witness on any trial between the same parties for the same cause of action;

5. Interest on the part of such person in the event of the action, or in the main question involved in the action;

6. Having formed or expressed an unqualified opinion or belief as to the merits of the action;

7. The existence of a state of mind in such person evincing enmity against or bias to either party.

SEC. 97. Section 644 of the Code of Civil Procedure is amended to read:

Finding of referee

644. The finding of the referee or commissioner upon the whole issue must stand as the finding of the court, and upon filing of the finding with the clerk of the court, or with the judge where there is no clerk, judgment may be entered thereon in the same manner as if the action had been tried by the court.

SEC. 98. Section 664 of the Code of Civil Procedure is amended to read:

Entry of judgment

664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict within 24 hours after the rendition of the verdict (provided that in justice courts such judgment shall be entered in the docket at once), unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. When a motion for judgment notwithstanding the verdict is pending, entry of judgment in conformity to the verdict shall be automatically stayed until the court has rendered its decision upon the motion. If the trial, in a superior or municipal court, has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision; in justice courts, judgment must be entered within 30 days after the submission of the cause. In no case is a judgment effectual for any purpose until entered.

SEC. 99. Section 667a of the Code of Civil Procedure is amended to read:

667a. In justice courts notice of the rendition of judgment must be given to the parties to the action in writing signed by the clerk, or by the judge. Where any of the parties are represented by an attorney, such notice shall be given to the attorney. Said notice shall be served by mail or personally, and shall be substantially in the form of the abstract of judgment required in Section 674 of this code. When served by mail the judge, or the clerk where there is a clerk, shall deposit copies thereof, in sealed envelopes, in the post office, not later than five days after the rendition of the judgment, addressed to each of the persons on whom notice is to be served at their place of residence, or place of business, if on an attorney, with the postage prepaid thereon When served personally said notice shall be served within five days after the rendition of the judgment. Entry of the date of mailing shall be made in the docket. Notice of judgment in justice courts

SEC. 100. Section 668 of the Code of Civil Procedure is amended to read:

668. The clerk of the superior court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered. In the municipal court, the clerk, within the time specified in this code, shall enter all civil judgments of such court in the minute-book of such court, and shall certify to a copy thereof, and file said copy in the files of the action, and shall subscribe a condensed statement of the judgment, with the date of entry thereof, on the appropriate page in the register of actions. Record of judgments

In justice courts judgments shall, within the time specified in this code , be entered in the docket.

SEC. 101. Section 674 of the Code of Civil Procedure is amended to read:

674. An abstract of the judgment or decree of any court of this State, including a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards and before the lien expires, acquire. Such lien continues for five years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above Lien of judgment

mentioned shall contain the following: Title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book, minutes or docket in the justice court.

SEC. 102. Section 675 of the Code of Civil Procedure is amended to read:

Satisfaction of judgment

675. Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior court and in municipal courts such entry shall be made in the register of actions; in justice courts, in the docket in the justice court.

Whenever an abstract of the judgment has been recorded with the recorder of any county, satisfaction thereof made in the manner of an acknowledgment of a conveyance of real property may be recorded, or an entry thereof may be made in the margin of the recorder's record, signed by the judgment creditor or assignee of record or by the attorney, unless a revocation of his authority is recorded. Said signature to the marginal release must be signed in the presence of the recorder who must certify to same as provided in Section 2938 of the Civil Code for satisfaction of a mortgage.

SEC. 103. Section 681a of the Code of Civil Procedure is amended to read:

Stay of execution

681a. The court, or the judge thereof, may stay the execution of any judgment or order; provided, that no court shall have power, without the consent of the adverse party, to stay the execution of any judgment or order, the execution whereof would be stayed on appeal only by the execution of a stay bond, for a longer period than 10 days in justice courts, nor for a longer period than 30 days in other courts. If a motion for a new trial is pending, execution may be stayed until 10 days after the determination thereof.

SEC. 104. Section 682 of the Code of Civil Procedure is amended to read:

Writ of execution Issuance, form, and contents

682. The writ of execution must be issued in the name of the people, sealed with the seal of the court, and subscribed by the clerk or judge, and be directed to the sheriff, constable, or marshal, and it must intelligibly refer to the judgment, stating

the court, the county, and in municipal and justice courts, the judicial district, where the judgment is entered, and if it be for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in Section 667, the execution must also state the kind of money or currency in which the judgment is payable, and must require the officer to whom it is directed to proceed substantially as follows:

1. If it be against the property of the judgment debtor, it must require such officer to satisfy the judgment, with interest, out of the personal property of such debtor, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the abstract of judgment was filed as provided in Section 674 of this code, or at any time thereafter;

2. If it be against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants, or trustees, it must require such officer to satisfy the judgment, with interest, out of such property;

3. If it be against the person of the judgment debtor, it must require such officer to arrest such debtor and commit him to the jail of the county until he pay the judgment, with interest, or be discharged according to law;

4. If it be issued on a judgment made payable in a specified kind of money or currency, as provided in Section 667, it must also require such officer to satisfy the same in the kind of money or currency in which the judgment is made payable, and such officer must refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he must refuse payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. Any such officer collecting money or currency in the manner required by this chapter, must pay to the plaintiff or party entitled to recover the same, the same kind of money or currency received by him, and in case of neglect or refusal to do so, he shall be liable on his official bond to the judgment creditor in three times the amount of the money so collected.

5. If it be for the delivery of the possession of real or personal property, it must require such officer to deliver the possession of the same, describing it, to the party entitled thereto, and may at the same time require such officer to satisfy any costs, damages, rents, or profits recovered by the same judgment, out of the personal property of the person against whom it was rendered, and the value of the property for which the judgment was rendered to be specified therein if a delivery thereof cannot be had; and if sufficient personal property cannot be found, then out of the real property, as provided in the first subdivision of this section.

SEC. 105. Section 688.1 of the Code of Civil Procedure is amended to read:

Judgment creditor of plaintiff Lien

688.1. Upon motion of a judgment creditor of a plaintiff or plaintiffs in an action or special proceeding made in the court in which the action or proceeding is pending upon written notice to all parties, the court or judge thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of such action, may permit said judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding and no compromise, settlement or satisfaction shall be entered into by or on behalf of said debtor without the consent of said judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or judge of the court shall endorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor.

SEC. 106 Section 683 of the Code of Civil Procedure is amended to read:

Return of execution

683. The execution may be made returnable, at any time not less than 10 nor more than 60 days after its receipt by the officer to whom it is directed, to the court in which the judgment is entered. When the execution is returned, the clerk must attach it to the judgment roll, or the judge must make the proper entry in the docket.

If an execution is returned unsatisfied, another may be afterward issued within the time specified in this code.

If property either personal or real be levied upon under such writ of execution but the sale thereunder be postponed beyond or not held within the return date after it is received by the officer to whom it was delivered and which has been returned to the clerk of the court in which the judgment is entered, upon request of the person in whose favor the writ runs the court may direct the clerk to redeliver said execution to the officer to whom it was directed in order to permit the officer to make an alias return of the proceedings of the sale or levy thereon as in the case of an original return of execution.

SEC. 107. Section 689 of the Code of Civil Procedure is amended to read:

Third party claim Undertaking, release

689. If personal property levied on is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out the reasonable value thereof, his title and right to the possession thereof and delivered, together with a copy thereof, to the officer making the levy, such officer must release the property unless the plaintiff, or the person in whose favor the writ runs, within five days after written demand by such officer, gives such officer an undertaking exe-

cuted by at least two good and sufficient sureties, in a sum equal to double the value of the property levied upon. Third party claims

Such undertaking shall be made in favor of and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such seizing, taking, withholding, or sale of such property by such officer.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. If they, or others in their place, fail to justify at the time and place appointed, such officer must release the property; provided, however, that if no exception is taken within five days after notice of receipt of the undertaking, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties.

If objection be made to such undertaking, by such third person, on the ground that the amount thereof is not sufficient, or if for any other reason it becomes necessary to ascertain the value of the property involved, the property involved may be appraised by one or more disinterested persons, appointed for that purpose by the court in which the action is pending, or from which the writ issued, or by a judge thereof, or the court or judge may direct a hearing to determine the value of such property.

If, upon such appraisal or hearing, the court or judge finds that the undertaking given is not sufficient, an order shall be made fixing the amount of such undertaking, and within five days thereafter an undertaking in the amount so fixed may be given in the same form and manner and with the same effect as the original.

The officer making the levy may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim delivered to him. Such officer shall not be liable for damages to any such third person for the taking, keeping or sale of such property if no claim is delivered as herein provided, nor, in any event, shall such officer be liable for the holding, release or other disposition of such property in accordance with the provisions of this section.

If such undertaking be given, such officer shall hold the property for the purposes of the levy under the writ; provided, however, that if an undertaking be given under the provisions of Section 710b of this code, such property shall be released.

Whenever a verified third party claim is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the third party claimant, or any one or more joint third party claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining title to the property in question. Such hearing must be granted by the said court upon petition therefor, which must be filed within 10 days after the

Same

delivery of the third party claim to the officer. Such hearing must be had within 20 days from the filing of such petition, unless continued as herein provided. Ten days' notice of such hearing must be given to the officer, to the plaintiff or the person in whose favor the writ runs, and to the third party claimant, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question; provided, that no such notice need to be given to the party filing the petition. The court may continue the hearing beyond the said 20 day period, but good cause must be shown for any such continuance. The court may order the sale of any perishable property held by such officer and direct the disposition of the proceeds of such sale. The court may, by order, stay execution sale, or forbid a transfer or other disposition of the property involved, until the proceedings for the determination of such title can be commenced and prosecuted to termination, and may require, as a condition of such order, such bond as the court may deem necessary. Such orders may be modified or vacated by the judge granting the same, or by the court in which the proceeding is pending, at any time prior to the termination of such proceeding, upon such terms as may be just. At the hearing had for the purpose of determining title, the third party claimant shall have the burden of the proof. The third party claim delivered to the officer shall be filed by him with the court and shall constitute the pleading of such third party claimant, subject to the power of the court to permit an amendment in the interest of justice, and it shall be deemed controverted by the plaintiff or other person in whose favor the writ runs. Nothing herein contained shall be construed to deprive anybody of the right to a jury trial in any case where, by the Constitution, such right is given, but a jury trial shall be waived in any such case in like manner as in the trial of an action. No findings shall be required in any proceedings under this section. At the conclusion of the hearing the court shall give judgment determining the title to the property in question, which shall be conclusive as to the right of the plaintiff, or other person in whose favor the writ runs, to have said property taken, or held, by the officer and to subject said property to payment or other satisfaction of his judgment. In such judgment the court may make all proper orders for the disposition of such property or the proceeds thereof. If the property shall have been released by the officer for want of an undertaking, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ if the writ is still in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property. An appeal lies from any judgment determining title under this section, such appeal to be taken in the manner provided for appeals from the court in which such proceeding is had.

SEC. 108. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any mortgage or deed of trust, notice thereof must be given as follows: Notice of execution sale

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than five days nor more than 10 days.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation printed and published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation printed and published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation be printed and published in the city or judicial district, as the case may be, in some newspaper of general circulation printed and published in the county. Provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

SEC. 109. Section 714 of the Code of Civil Procedure is amended to read:

714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff, or a constable, or marshal of the county where he resides, or if he does not reside in this State, to the sheriff, or a constable, or marshal of the county where the judgment roll is filed, or the judgment entered in the docket in the justice court, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from a judge of the court, requir- Examination of judgment debtor

ing such judgment debtor to appear and answer concerning his property before such judge, or a referee appointed by him, at a time and place specified in the order.

SEC. 110. Section 715 of the Code of Civil Procedure is amended to read:

Proceedings in aid of execution

715. After the issuing of an execution against property, and upon proof, by affidavit of a party or otherwise, to the satisfaction of a judge of the court, that any judgment debtor has property which he unjustly refuses to apply toward the satisfaction of the judgment, such judge may, by an order, require the judgment debtor to appear, at a specified time and place, before such judge or a referee appointed by him, to answer concerning the same; and such proceedings may thereupon be had for the application of the property of the judgment debtor toward the satisfaction of the judgment as are provided upon the return of an execution. Instead of the order requiring the attendance of the judgment debtor, the judge may, upon affidavit of the judgment creditor, his agent or attorney, if it appear to him that there is danger of the debtor absconding, order the sheriff, or a constable, or marshal to arrest the debtor and bring him before such judge. Upon being brought before the judge, he may be ordered to enter into an undertaking, with sufficient sureties, that he will attend from time to time before the judge, or referee, as may be directed during the pendency of proceedings and until the final determination thereof, and will not in the meantime dispose of any portion of his property not exempt from execution. In default of entering into such undertaking he may be committed to prison.

SEC. 111. Section 717 of the Code of Civil Procedure is amended to read:

Examination of debtor of judgment debtor

717. After the issuing or return of an execution against property of the judgment debtor, or of any one of the several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars ($50), the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

SEC. 112. Section 717.1 of the Code of Civil Procedure is amended to read:

Attendance outside own county

717.1. Neither a judgment debtor nor a debtor of a judgment debtor shall be required to attend before a judge or referee outside of the county in which he resides or in which he has a place of business.

SEC. 113. Section 718 of the Code of Civil Procedure is amended to read:

Witnesses

718. Witnesses may be required to appear and testify before the judge or referee, upon any proceeding under this chapter, in the same manner as upon the trial of an issue.

SEC. 114. Section 719 of the Code of Civil Procedure is amended to read:

Order applying property

719. The judge or referee may order any property of the judgment debtor, not exempt from execution, in the hands of such debtor, or any other person, or due to the judgment debtor, to be applied toward the satisfaction of the judgment; but no such order can be made as to money or property in the hands of any other person or claimed to be due from him to the judgment debtor, if such person claims an interest in the property adverse to the judgment debtor or denies the debt.

SEC. 115. Section 720 of the Code of Civil Procedure is amended to read:

Same Property of third party

720. If it appears that a person or corporation, alleged to have property of the judgment debtor, or to be indebted to him, claims an interest in the property adverse to him, or denies the debt, the judgment creditor may maintain an action against such person or corporation for the recovery of such interest or debt; and the judge or referee may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge or referee granting the same, or the court in which the action is brought, at any time, upon such terms as may be just.

SEC. 116. Section 721 of the Code of Civil Procedure is amended to read:

Contempt

721. If any person, party, or witness disobey an order of the referee, properly made, in the proceedings before him under this chapter, he may be punished by the court or judge ordering the reference, for a contempt.

SEC. 117. Section 722 of the Code of Civil Procedure is amended to read:

Execution of judgment in another county

722. When any judgment debtor, or any person or corporation or officer or member of such corporation, does not reside or have a place of business in the county where the judgment roll is filed, or where the judgment is entered in the docket in the justice court, an order authorized to be made under any of the provisions of this chapter may be made by any judge of a court of similar jurisdiction of the county where such judgment debtor or other person resides or has a place of business, or if there be no court of similar jurisdiction in such county, by a court of higher jurisdiction therein, upon filing with the clerk or judge of said court an abstract of the judgment, in the form prescribed by Section 674 of this code and upon presenting to the judge of such court an affidavit showing the existence of the facts required to be shown herein. At the time of filing such abstract, there shall be paid to such clerk or judge, as and for a filing fee, the sum of four dollars ($4) when filed in a justice court; the sum of five dollars ($5) when filed in a superior or municipal court.

SEC. 118. The heading of Chapter 3 of Title 13 of Part 2 of the Code of Civil Procedure is amended to read:

CHAPTER 3. APPEALS FROM JUSTICE COURTS

SEC. 119. Section 973 of the Code of Civil Procedure is amended to read:

Application of sections

973. The sections of this code from Section 974 to Section 982, both inclusive, shall apply only to appeals from justice courts, except as particular provisions are specifically made applicable to other courts.

SEC. 120. Section 974 of the Code of Civil Procedure is amended to read:

Time, manner of appeal Judgment

974. Any party dissatisfied with the judgment rendered in a civil action in a justice court, may appeal therefrom to the superior court of the county, at any time within 30 days after notice of the rendition of the judgment. The appeal is taken by filing a notice of appeal with the judge of the justice court, and serving a copy on the adverse party. The notice must state whether the appeal is taken from the whole or a part of the judgment, and if from a part, what part, and whether the appeal is taken on questions of law or fact or both.

SEC. 121. Section 975 of the Code of Civil Procedure is amended to read:

Same· Special order

975. Any party dissatisfied with any special order made after judgment in a civil action, in a justice court, may appeal therefrom in the manner provided in the preceding section. When a party appeals to the superior court on questions of law alone, he must, within 10 days after notice of the rendition of judgment or special order made after judgment, prepare a statement of the case, serve the same upon the adverse party and file it with the judge. The statement must contain the grounds upon which the party intends to rely upon the appeal, and so much of the evidence and other proceedings as may be necessary, for a determination of the appeal on the grounds stated, and no more. Within 10 days after service of the statement the adverse party, if dissatisfied with the same, may serve and file amendments. The proposed statement and the amendments, if any, must be settled by the judge, who shall correct or alter such statement as may be necessary to make it a fair and true statement of the evidence and proceedings relating to the stated grounds of appeal, shall order it engrossed, if engrossment is necessary, and shall certify it as correct. Upon the filing of proposed amendments, the judge shall fix a time for the settlement thereof, and shall mail notice thereof, or cause such notice to be mailed by the clerk of the court, if there be one, at least five days before the time fixed, to each party, or if any party appears by attorney, then to his attorney, if the mailing address of such party or attorney appears in the files of the case in which the appeal is taken.

SEC 122. Section 977 of the Code of Civil Procedure is amended to read:

Record on appeal

977. Upon the filing of the notice of appeal, the payment of the fees of the judge, payable on appeal and not included in the judgment, and any other fees required by law, and the filing

of an undertaking as required in the next section, and after settlement of the statement, if any, the judge must, within five days, transmit to the clerk of the superior court the following papers, which shall constitute the record on appeal and may be used on the hearing of the appeal or the trial of the action or hearing of the order anew in the superior court:

1. If the appeal be on questions of law alone, a certified copy of the entries in the docket relating to the action, all written pleadings filed in the action, the statement as settled, all exhibits, notices, affidavits, orders, and other papers and documents on file with the court in such action which are referred to in the statement by designations sufficient to identify them, the notice of appeal and the undertakings filed; or,

2 If the appeal be on questions of fact, or both law and fact, a certified copy of the entries in the docket relating to the action, the pleadings, all exhibits, notices, motions, and all other papers and documents filed in the action, the notice of appeal, and the undertakings filed.

The judge may be compelled by the superior court, by an order entered upon motion, to transmit such papers, and may be fined for neglect or refusal to transmit the same. A certified copy of such order may be served on the judge by either party or his attorney. In the superior court, either party may have the benefit of all legal objections made in the justice court and presented by the record on appeal.

SEC 123. Section 978 of the Code of Civil Procedure is amended to read:

978. An appeal from a judgment in a justice court is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or, if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or plus twice the value of the property including costs, when the judgment is for the recovery of specific personal property; and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. Undertaking

When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein.

When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking be executed on the part

of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed any waste thereon, and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the judge of the court from which the appeal is taken, and which sum must be specified in the undertaking.

A deposit of the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus the amount of the judgment, including all costs appealed from, or plus the value of the property, including all costs, in actions for the recovery of specific personal property, with the judge is equivalent to the filing of the undertakings above provided for, and in such cases, the judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court.

If the appeal be from an order made after judgment, the perfecting of the appeal from such order stays proceedings in a justice court upon said order.

SEC. 124 Section 978a of the Code of Civil Procedure is amended to read:

Same Time, notice of filing

978a. The undertaking on appeal must be filed within five days after the filing of the notice of appeal and written notice of the filing of the undertaking must be served upon the respondent, who may except to the sufficiency of the sureties within five days after service of such notice. Unless within five days after notice of such exception, the sureties excepted to, or other sureties, justify before the judge upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given, unless within five days after notice of failure of justification of sureties, appellant deposit cash in the amount of said bond with the clerk of the court to which the appeal is taken.

SEC. 125. Section 979 of the Code of Civil Procedure is amended to read:

Stay of proceedings

979. If an execution be issued on the filing of the undertaking staying proceedings, the judge must, by order, direct the officer to stay all proceedings on the same. Such officer must, upon payment of his fees for services rendered on the execution, thereupon relinquish all property levied upon and deliver the same to the judgment debtor, together with all moneys collected from sales or otherwise. If his fees be not paid, the officer may retain so much of the property or proceeds thereof as may be necessary to pay the same.

SEC. 126. Section 981 of the Code of Civil Procedure is amended to read:

981. No appeal taken from a judgment rendered in a justice court in civil matters shall be effectual for any purpose whatever unless the appellant shall, at the time of filing the notice of appeal, pay in addition to the fee payable to the judge of the justice court on appeal, the fees provided by law to be paid to the county clerk for filing the appeal and for placing the action on the calendar in the superior court. Upon transmitting the papers on appeal, the judge shall transmit to the county clerk the sum thus deposited for filing the appeal in the superior court and for placing the action on the calendar. No notice of appeal shall be filed unless the fees herein provided for are paid in accordance with the provisions of this section. Payment of fees on appeal

SEC. 127. Section 982 of the Code of Civil Procedure is amended to read:

982. Upon dismissal of the appeal the clerk of the superior court shall return all the papers to the court from which the appeal was taken, and the judge of said court shall have jurisdiction the same as if no appeal had been taken. Return of record

SEC. 128. Section 990 of the Code of Civil Procedure is amended to read:

990. The summons specified in Section 989 shall be issued by the clerk, or by the judge if there be no clerk, upon presentation of the affidavit specified in Section 991, and must describe the judgment, and require the person summoned to show cause why he should not be bound by it, and must be served in the same manner, and returnable within the same time, as the original summons. It is not necessary to file a new complaint. Summons

SEC. 129. Section 997 of the Code of Civil Procedure is amended to read:

997. The defendant may, at any time before the trial or judgment, serve upon the plaintiff and offer to allow judgment to be taken against him for the sum or property, or to the effect therein specified. If the plaintiff accept the offer, and give notice thereof within five days, he may file the offer, with proof of notice of acceptance, and the clerk, or the judge where there is no clerk, must thereupon enter judgment accordingly. If the notice of acceptance be not given, the offer is to be deemed withdrawn, and cannot be given in evidence upon the trial; and if the plaintiff fail to obtain a more favorable judgment, he cannot recover costs, but must pay the defendant's costs from the time of the offer. Settlement

SEC. 130. Section 1000 of the Code of Civil Procedure is amended to read:

1000. Any court in which an action is pending, or a judge thereof may, upon notice, order either party to give to the other, within a specified time, an inspection and copy or permission to take a copy, of entries of accounts in any book, or of any document or paper in his possession, or under his control, containing evidence relating to the merits of the action, or the defense therein. If compliance with the order be refused, the court may exclude the entries of accounts of the book, or the Inspection of accounts

document, or paper from being given in evidence, or if wanted as evidence by the party applying may direct the jury to presume them to be such as he alleges them to be; and the court may also punish the party refusing for a contempt. This section is not to be construed to prevent a party from compelling another to produce books, papers, or documents when he is examined as a witness.

SEC. 131. Section 1003 of the Code of Civil Procedure is amended to read:

Order, motion

1003. Every direction of a court or judge, made or entered in writing, and not included in a judgment, is denominated an order. An application for an order is a motion.

SEC. 132. Section 1005 of the Code of Civil Procedure is amended to read.

Notice of motion

1005. When a written notice of a motion is necessary, it must be given, if the court is held in the county in which at least one of the attorneys of the party notified has his office, five days before the time appointed for the hearing; otherwise, 10 days. When the notice is served by mail, the number of days before the hearing must be increased one day for every full 100 miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all 30 days; but in all cases the court, or a judge thereof, may prescribe a shorter time.

SEC. 133. Section 1006 of the Code of Civil Procedure is amended to read:

Transfer of motion, order

1006. When a notice of motion is given, or an order to show cause is made returnable before a judge out of court, and at the time fixed for the motion, or on the return day of the order, the judge is unable to hear the parties, the matter may be transferred by his order to some other judge, before whom it might originally have been brought.

SEC. 134. Section 1008 of the Code of Civil Procedure is amended to read:

Subsequent application

1008. When an application for an order has been made to a judge, or to the court, and refused in whole or in part, or granted conditionally, or on terms, and subsequent application for the same order, upon an alleged different state of facts, shall be made, it shall be shown by affidavit what application was before made, when and to what judge, what order or decision was made thereon and what new facts are claimed to be shown. For a failure to comply with this requirement, any order made on such subsequent application may be revoked or set aside on ex parte motion.

A violation of this section may be punished as a contempt; and an order made contrary thereto may be revoked by the judge or commissioner who made it, or vacated by a judge of the court in which the action or proceeding is pending.

SEC. 135 Section 1011 of the Code of Civil Procedure is amended to read:

1011. The service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows: Service

1. If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office; or, if it is not open so as to admit of such service, then by leaving them at the attorney's residence, with some person of not less than 18 years of age, if his residence is in the same county with his office; and if his residence is not known, or is not in the same county with his office, or being in the same county it is not open, or there is not found thereat any person of not less than 18 years of age, then by putting the same, enclosed in a sealed envelope, into the post office or a mail box, subpost office, substation, or mail chute or other like facility regularly maintained by the Government of the United States directed to such attorney at his office, if known; otherwise to his residence, if known; and if neither his office nor his residence is known, then by delivering the same to the clerk of the court, or to the judge where there is no clerk, for the attorney;

2. If upon a party, it shall be made in the manner specifically provided in particular cases, or, if no specific provision is made, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of not less than 18 years of age; if at the time of attempted service between the said hours no such person can be found at his residence, the same may be served by mail; and, if his residence is not known, then by delivering the same to the clerk of the court or the judge, if there be no clerk, for such party.

SEC. 136. Section 1015 of the Code of Civil Procedure is amended to read:

1015. When a plaintiff or a defendant, who has appeared, resides out of the State, and has no attorney in the action or proceeding, the service may be made on the clerk or on the judge where there is no clerk, for him. But in all cases where a party has an attorney in the action or proceeding, the service of papers, when required, must be upon the attorney instead of the party, except service of subpenas, of writs, and other process issued in the suit, and of papers to bring him into contempt. If the sole attorney for a party is removed or suspended from practice, then the party has no attorney within the meaning of this section If his sole attorney has no known office in this State, notices and papers may be served by leaving a copy thereof with the clerk of the court or with the judge where there is no clerk, unless such attorney shall have filed in the cause an address of a place at which notices and papers may be served on him, in which event they may be served at such place. Service upon nonresident

SEC. 137. Section 1030 of the Code of Civil Procedure is amended to read:

Security for costs

1030. When the plaintiff in an action or special proceeding resides out of the State, or is a foreign corporation, security for the costs and charges, which may be awarded against such plaintiff, may be required by the defendant. When required, all proceedings in the action or special proceedings must be stayed until an undertaking, executed by two or more persons, is filed with the clerk, or with the judge if there be no clerk, to the effect that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or special proceeding, not exceeding the sum of three hundred dollars ($300). A new or an additional undertaking may be ordered by the court or judge, upon proof that the original undertaking is insufficient security, and proceedings in the action or special proceeding stayed until such new or additional undertaking is executed and filed. Any stay of proceedings granted under the provisions of this section shall extend to a period 10 days after service upon the defendant of written notice of the filing of the required undertaking.

After the lapse of 30 days from the service of notice that security is required, or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court or judge, may order the action or special proceeding to be dismissed.

SEC. 138 Section 1031 of the Code of Civil Procedure is amended to read:

Municipal, justice court costs

1031. In municipal courts and justice courts the prevailing party, including a defendant as to whom the action is dismissed, is entitled to his costs and necessary disbursements; provided, that where the prevailing party recovers less than the sum of fifty dollars ($50), principal and interest, the court may, in its discretion, allow or deny costs to such prevailing party, or may allow costs in part in such amount as it may deem proper.

In actions for the recovery of wages for labor performed, where the amount of the demand, exclusive of interest, does not exceed three hundred dollars ($300), the court shall add, as part of the cost, in any judgment recovered by the plaintiff, an attorney's fee not exceeding 20 percent of the amount recovered

SEC. 139. Section 1032 of the Code of Civil Procedure is amended to read:

Superior court costs

1032. In the superior court, except as otherwise expressly provided, costs are allowed of course:

(a) To plaintiff upon a judgment in his favor: In an action for the recovery of real property; in an action to recover the possession of personal property; in an action for the recovery of money or damages; in a special proceeding; in an action which involves the title or possession of real estate or the legality of a tax, impost, assessment, toll, or municipal fine.

Provided, that the plaintiff shall not recover costs when the judgment is one which could have been rendered by a municipal or justice court within the same county or city and county.

(b) To the defendant upon a judgment in his favor in special proceedings and in the actions mentioned in subdivision (a) of this section, or as to whom the action is dismissed. When there are several defendants in any action mentioned in subdivision (a) of this section, not united in interest, and making separate defenses by separate answers, and plaintiff fails to recover judgment against all, the court must award costs to such of the defendants as have judgment in their favor.

(c) In other actions than those mentioned in this section costs may be allowed or not, and, if allowed, may be apportioned between the parties, on the same or adverse sides, in the discretion of the court; but no costs can be allowed the plaintiff in the superior court when the judgment is one which could have been rendered by a municipal or justice court within the county, or city and county, in which the judgment is entered.

SEC. 140. Section 1032.5 of the Code of Civil Procedure is amended to read:

Jury costs

1032.5. In superior, municipal and justice courts, the prevailing party in a civil action, including a defendant in favor of whom the action is dismissed, is entitled, as costs, to expenses incurred for food and lodging or other reasonable necessities of the jury:

(a) While they are kept together during the progress of the trial.

(b) After their retirement for deliberation and before the verdict is rendered.

SEC. 141. Section 1032 6 of the Code of Civil Procedure is amended to read:

Execution costs

1032.6. In superior courts, municipal courts and justice courts, the judgment creditor is entitled to the costs and necessary disbursements of proceedings taken by him in aid of an execution upon any judgment rendered therein.

SEC. 142 Section 1033 of the Code of Civil Procedure is amended to read:

Procedure to claim costs

1033. In superior courts, municipal courts and in justice courts the party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than five (5) days after the verdict, or, if the action is tried without a jury, not later than five (5) days after notice of the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after the service of a copy of the bill of costs, file a motion to have the same taxed by

the court in which the judgment was rendered, or by the judge thereof at chambers.

The clerk or judge must include in the judgment entered up by him, any interest on the verdict or decision of the court, from the time it was rendered or made, and the costs, if the same have been taxed or ascertained; and he must, within two days after the same are tried or ascertained, if not included in the judgment, insert the same in a blank left in the judgment for that purpose, and must make a similar insertion of the costs in the copies.

SEC. 143. Section 1033.7 of the Code of Civil Procedure is amended to read:

Same Judgment creditor

1033.7. In superior courts, municipal courts, and justice courts, the judgment creditor claiming costs consisting of one or more of the following items:

(a) Statutory fees for preparing or issuing an abstract of judgment;

(b) Statutory fees for recording, receiving, or filing an abstract of judgment;

(c) Statutory fees for issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment;

(d) Statutory fees for issuing an order of sale;

(e) Statutory fees (including mileage) of sheriffs, constables, or marshals in connection with serving, executing or levying any writ or making return; for keeping or caring for property held by virtue thereof;

(f) Costs or disbursements incurred in connection with any proceeding supplementary to execution which have been approved as to necessity, propriety, and amount by the judge or referee conducting the same in his order upon such proceeding;

must serve upon the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a memorandum of the items of his such costs and necessary disbursements, which memorandum must be verified by the oath of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct and that they have been necessarily or reasonably incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered or by the judge thereof at chambers.

In superior courts, municipal courts, and justice courts a judgment creditor claiming costs or necessary disbursements reasonably incurred in aid of the collection of such judgment or of any execution issued thereon; other than those hereinbefore specified; including items which have been disallowed by the judge or referee in the supplemental proceeding, must

serve the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a notice of motion for an order allowing the same, specifying the items claimed and the amount thereof, and supported by an affidavit of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and showing that the costs have been reasonable, and the disbursements reasonably and necessarily incurred. The court or judge hearing such motion shall make such order respecting the costs or disbursements so claimed as the circumstances justify, allowing the same in whole or in part, or disallowing the same.

Within two days after the said costs are tried or ascertained, or after the time for making a motion to tax the same shall have expired, the clerk or judge shall enter the amount thereof on the margin of the judgment, and thereafter they shall be included, together with the amount of the fee charged for issuance thereof, in any execution issued upon such judgment.

SEC. 144. Section 1054 of the Code of Civil Procedure is amended to read:

Extension of time

1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed therefor, unless otherwise expressly provided, may be extended, upon good cause shown, by the judge of the court in which the action is pending, or by the judge who presided at the trial of said action; but such extension so allowed shall not exceed thirty (30) days, without the consent of the adverse party.

In all cases in which the court or judge is authorized by this section to grant an extension of time, such extension of time shall be granted when all attorneys of record of parties who have appeared in the action agree in writing to such extension of time, and any extension of time previously granted by stipulation of all attorneys of record of parties who have appeared in the action shall not be included in the computation of the 30-day limitation upon extensions of time allowed by the court or judge.

SEC. 145. Section 1054.1 of the Code of Civil Procedure is amended to read:

Same Member of Legislature

1054.1. When an act to be done, as provided by law or rule of court, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal and of intention to move for a new trial, the time allowed therefor, unless otherwise expressly provided, shall be extended by the judge of the court in which the action is pending, or by the judge

who presided at the trial of said action, when it appears to the judge of any court to whom such application is made that an attorney of record for the party applying for such extension is a Member of the Legislature of this State, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date.

SEC. 146. Section 1054a of the Code of Civil Procedure is amended to read:

Money in lieu of undertaking

1054a. In all civil cases, wherein an undertaking is required, the party required to furnish such undertaking may, in lieu thereof, deposit with the sheriff, constable, marshal, the clerk of the court, or with the judge where there is no clerk, a sum of money in lawful money of the United States equal to the amount required to be secured by the said undertaking.

SEC. 147. Section 1068 of the Code of Civil Procedure is amended to read:

Writ of review

1068. A writ of review may be granted by any court, except a municipal or justice court, when an inferior tribunal, board, or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board, or officer, and there is no appeal, nor, in the judgment of the court, any plain, speedy, and adequate remedy.

SEC. 148. Section 1085 of the Code of Civil Procedure is amended to read:

Writ of mandate

1085. It may be issued by any court, except a municipal or justice court, to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station; or to compel the admission of a party to the use and enjoyment of a right or office to which he is entitled, and

from which he is unlawfully precluded by such inferior tribunal, corporation, board or person.

SEC. 149. Section 1103 of the Code of Civil Procedure is amended to read:

1103. It may be issued by any court, except municipal or justice courts, to an inferior tribunal or to a corporation, board, or person, in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law. It is issued upon the verified petition of the person beneficially interested. Writ of prohibition

SEC. 150. Section 1134 of the Code of Civil Procedure is amended to read:

1134. In courts other than justice courts, the statement must be filed with the clerk of the court in which the judgment is to be entered, who must endorse upon it, and enter a judgment of such court for the amount confessed, with ten dollars ($10) costs. The statement and affidavit, with the judgment endorsed, thereupon becomes the judgment roll. Confession of judgment Statement

SEC. 151. Section 1135 of the Code of Civil Procedure is amended to read:

1135. In a justice court, where the court has authority to enter the judgment, the statement may be filed with the judge, or with the clerk if there be a clerk, who must thereupon enter in the docket a judgment of the court for the amount confessed, with three dollars ($3) costs. If a transcript of such judgment be filed with the county clerk, a copy of the statement must be filed with it. Same Justice courts

SEC. 152. Section 1144 of the Code of Civil Procedure is amended to read:

1144. Such person must cause a notice in writing to be given to the plaintiff, his agent, or attorney, that at a certain time and place he will apply to a judge of the court from which such execution issued, for the purpose of obtaining a discharge from his imprisonment. Notice of motion to discharge

SEC. 153 Section 1146 of the Code of Civil Procedure is amended to read:

1146. At the time and place specified in the notice, such person must be taken before such judge, who must examine him under oath concerning his estate and property and effects, and the disposal thereof, and his ability to pay the judgment for which he is committed; and such judge may also hear any other legal and pertinent evidence that may be produced by the debtor or the creditor. Hearing on motion

SEC. 154. Section 1148 of the Code of Civil Procedure is amended to read:

1148 If, upon the examination, the judge is satisfied that the prisoner is entitled to his discharge, he must administer to him the following oath, to wit: Oath of defendant

"I, _____, do solemnly swear that I have not any estate, real or personal, to the amount of fifty dollars ($50), except such as is by law exempted from being taken on execution; and that I have not any other estate now conveyed or concealed, or in any way disposed of, with design to secure the same to my

use, or to hinder, delay, or defraud my creditors, so help me God."

SEC. 155. Section 1149 of the Code of Civil Procedure is amended to read:

Discharge of prisoner

1149. After administering the oath, the judge must issue an order that the prisoner be discharged from custody, and the officer, upon the service of such order, must discharge the prisoner forthwith, if he be imprisoned for no other cause.

SEC. 156. Section 1151 of the Code of Civil Procedure is amended to read:

Same Effect

1151. The prisoner, after being so discharged, is forever exempted from arrest or imprisonment for the same debt, unless he be convicted of having wilfully sworn falsely upon his examination before the judge, or in taking the oath before prescribed.

SEC. 157. Section 1166a of the Code of Civil Procedure is amended to read:

Writ of possession

1166a. Upon filing the complaint the plaintiff may have immediate possession of the premises by a writ of possession issued by the judge and directed to the sheriff of the county, or constable or marshal, for execution, where it appears to the satisfaction of the judge, from the verified complaint, or from an affidavit filed by or on behalf of the plaintiff, that the defendant is insolvent, or has no property that is subject to execution sufficient to satisfy the amount of damages sought to be recovered by the plaintiff, or resides out of the State, or has departed from the State, or cannot, after due diligence be found within the State, or conceals himself to avoid the service of summons. The plaintiff shall file an undertaking with good and sufficient sureties, to be approved by the judge, in such sum as shall be fixed and determined by said judge, to the effect that if the plaintiff shall fail to recover judgment against the defendant for the possession of said premises, or if the suit be dismissed, that plaintiff will pay to defendant such damages, not to exceed the amount fixed in said undertaking, as may be sustained by the defendant by reason of such dispossession under said writ of possession. An action to recover such damages shall be commenced by the defendant in a court of competent jurisdiction within one year from the date of entry of dismissal or of final judgment in favor of the defendant.

SEC. 158. Section 1168 of the Code of Civil Procedure is amended to read:

Order for arrest

1168. If the complaint presented establishes, to the satisfaction of the judge, fraud, force, or violence, in the entry or detainer, and that the possession held is unlawful, he may make an order for the arrest of the defendant.

SEC. 159. Section 1169 of the Code of Civil Procedure is amended to read:

Default

1169. If at the time appointed any defendant served with summons does not appear and defend, the clerk, or the judge if there be no clerk, upon application of the plaintiff, must enter the default of such defendant, or defendants, and thereafter

the plaintiff may apply to the court for the relief demanded in the complaint, including the costs, against such defendant, or defendants, or against one or more of such defendants.

SEC. 160. Section 1176 of the Code of Civil Procedure is amended to read:

Appeal as stay

1176. An appeal taken by the defendant shall not stay proceedings upon the judgment unless the judge before whom the same was rendered so directs.

SEC. 161. Section 1208.5 of the Code of Civil Procedure is amended to read:

Animal lien Satisfaction

1208.5. Any person having a lien upon any animal or animals under the provisions of Sections 597a, or 597f, of the Penal Code may satisfy such lien as follows: If such lien be not discharged and satisfied, by the person responsible, within three days after the obligation becomes due, then the person holding such lien may resort to the proper court to satisfy the claim; or he, three days after the charges against such property become due, may sell the same, or such undivided fraction thereof as may become necessary, to defray the amount due and costs of sale, by giving three days' notice of the sale by advertising in some newspaper published in the county, or city and county, in which the lien has attached to the property; or, if there is no paper published in the county, then by posting notices of the sale in three of the most public places in the town or judicial district for three days previous to the sale. Said notices shall contain an accurate description of the property to be sold, together with the terms of sale, which must be for cash, payable on the consummation of the sale. The proceeds of the sale must be applied to the discharge of the lien and the costs of sale; the remainder, if any, must be paid over to the owner, if known, and if not known must be paid into the treasury of the humane society of the county, or city and county, wherein the sale takes place; if no humane society exists in the county, then the remainder shall be paid into the county treasurer.

SEC. 162. Section 1211 of the Code of Civil Procedure is amended to read:

Punishment for contempt

1211. When a contempt is committed in the immediate view and presence of the court, or of the judge at chambers, it may be punished summarily; for which an order must be made, reciting the facts as occurring in such immediate view and presence, adjudging that the person proceeded against is thereby guilty of a contempt, and that he be punished as therein prescribed.

When the contempt is not committed in the immediate view and presence of the court, or of the judge at chambers, an affidavit shall be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the referees or arbitrators, or other judicial officers.

SEC. 163. Section 1212 of the Code of Civil Procedure is amended to read:

Warrants of attachment and commitment

1212. When the contempt is not committed in the immediate view and presence of the court or judge, a warrant of

attachment may be issued to bring the person charged to answer, or, without a previous arrest, a warrant of commitment may, upon notice, or upon an order to show cause, be granted; and no warrant of commitment can be issued without such previous attachment to answer, or such notice or order to show cause.

SEC. 164. Section 1213 of the Code of Civil Procedure is amended to read:

Endorsement of warrant

1213. Whenever a warrant of attachment is issued, pursuant to this title, the court or judge must direct, by an endorsement on such warrant, that the person charged may be let to bail for his appearance, in an amount to be specified in such endorsement.

SEC. 165. Section 1214 of the Code of Civil Procedure is amended to read:

Execution of warrant

1214. Upon executing the warrant of attachment, the officer executing the warrant must keep the person in custody, bring him before the court or judge, and detain him until an order be made in the premises, unless the person arrested entitle himself to be discharged, as provided in the next section.

SEC. 166. Section 1215 of the Code of Civil Procedure is amended to read:

Discharge on bail

1215. When a direction to let the person arrested to bail is contained in the warrant of attachment, or endorsed thereon, he must be discharged from the arrest, upon executing and delivering to the officer, at any time before the return-day of the warrant, a written undertaking, with two sufficient sureties, to the effect that the person arrested will appear on the return of the warrant and abide the order of the court or judge thereupon; or they will pay as may be directed, the sum specified in the warrant.

SEC. 167. Section 1217 of the Code of Civil Procedure is amended to read:

Conduct of trial

1217. When the person arrested has been brought up or appeared, the court or judge must proceed to investigate the charge, and must hear any answer which the person arrested may make to the same, and may examine witnesses for or against him, for which an adjournment may be had from time to time if necessary.

SEC. 168. Section 1218 of the Code of Civil Procedure is amended to read:

Judgment, penalty

1218. Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars ($500), or he may be imprisoned not exceeding five days, or both; provided, however, that in justice courts the judge may punish by fine or imprisonment or both, such fine not to exceed, in any case, one hundred dollars ($100), and such imprisonment one day; the conviction, specifying particularly the offense, and the judgment thereon, must be entered in the docket.

SEC. 169. Section 1220 of the Code of Civil Procedure is amended to read:

Non-appearance

1220. When the warrant of arrest has been returned served, if the person arrested does not appear on the return day, the court or judge may issue another warrant of arrest or may order the undertaking to be prosecuted, or both. If the undertaking be prosecuted, the measure of damages in the action is the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct for which the warrant was issued, and the costs of the proceeding.

SEC. 170. Section 1221 of the Code of Civil Procedure is amended to read:

Illness, restraint

1221. Whenever, by the provisions of this title, an officer is required to keep a person arrested on a warrant of attachment in custody, and to bring him before a court or judge, the inability, from illness or otherwise, of the person to attend, is a sufficient excuse for not bringing him up; and the officer must not confine a person arrested upon the warrant in a prison, or otherwise restrain him of personal liberty, except so far as may be necessary to secure his personal attendance.

SEC. 171. Section 1222 of the Code of Civil Procedure is amended to read:

Judgment, etc., conclusive

1222. The judgment and orders of the court or judge, made in cases of contempt, are final and conclusive.

SEC. 172. Section 1995 of the Code of Civil Procedure is amended to read:

Prisoner witnesses

1995. If the witness be a prisoner, confined in a jail within this State, an order for his examination in the jail upon deposition, or for his temporary removal and production before a court or officer may be made as follows:

1. By the court itself in which the action or special proceeding is pending, unless it be a justice or small claims court.

2. By a justice of the Supreme Court, or a judge of the superior court of the county where the action or proceeding is pending, if pending before a justice or small claims court, or before a judge or other person out of court.

SEC. 173. Section 2024 of the Code of Civil Procedure is amended to read:

Depositions of out-of-state witnesses

2024. The deposition of a witness out of this State may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of either party, upon five days' previous notice to the other. If the court is a justice court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justice court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting judge at the date of the commission. If issued to any place within the United States, it may be directed to a person agreed upon by the parties, or if they do not agree, to any notary public, judge or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a

minister, ambassador, consul, vice consul, or consular agent of the United States, or judge of a court of record in such country, or to any person agreed upon by the parties

SEC. 174. Section 2037 of the Code of Civil Procedure is amended to read:

Subpena

2037. If a commission has not been issued, and it appears to a judge of the superior, municipal, or justice court, by affidavit satisfactory to him:

1. That the testimony of the witness is material to either party, and that he resides in the county in which such judge holds office;

2. That a commission to take the testimony of such witness has not been issued;

3. That, according to the law of the state where the action or special proceeding is pending, the deposition of a witness taken under such circumstances, and before such judge, will be received in the action or proceeding:

He must issue his subpena requiring the witness to appear and testify before him at a specified time and place.

SEC. 175. Section 2038 of the Code of Civil Procedure is amended to read:

Taking of depositions

2038. Upon the appearance of the witness, the judge must cause his testimony to be taken in writing, and must certify and transmit the same to the court or judge before whom the action or proceeding is pending, such manner as the law of that state requires.

Operative date

SEC. 176. The provisions of this act shall not become operative before January 1, 1952, and the provisions thereof do not affect any municipal, justice's, police or city court which continues to exist as presently organized or any judge, justice, officer or employee of such court, but such courts and judges, justices, officers and employees shall be governed until January 5, 1953, by the same laws and with the same force as if this act had not been enacted; and those laws are hereby expressly continued in force and effect, and the text thereof preserved, for such courts and judges, justices, officers and employees until January 5, 1953.

CHAPTER 1738

An act to amend Sections 1355, 1410, 1430, 1441, and 1463 of, and to add Section 1381 to, the Code of Civil Procedure, relating to the custody, management, disposal and escheat of unclaimed estates of deceased persons and various other classes of unclaimed property, to the possession of which the State is, or may become entitled.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 1355 of the Code of Civil Procedure is amended to read:

1355. Within five years after date of entry of judgment in any proceeding had under the provisions of Chapter 5, or within five years after completion of notice by publication in an escheat action taken under the provisions of Section 1415, a person not a party or privy to such proceeding or action, if not otherwise barred, may file a petition in the Superior Court of the County of Sacramento, or as provided in Section 401, showing his claim or right to the money or other property, or the proceeds thereof. Petition and hearing to claim estate

Said petition shall be verified; and, in a proceeding for the recovery by the petitioner as heir, devisee, or legatee, or the successor in interest of an heir, devisee or legatee, of money or other property received by the State from the estate of a decedent under the provisions of Article 1 of Chapter 6, such petition, among other things must state:

The full name, and the place and date of birth of the decedent whose estate, or any part thereof, is claimed.

The full name of such decedent's father and the maiden name of his mother, the places and dates of their respective births, the place and date of their marriage, the full names of all children the issue of such marriage, with the date of birth of each, and the place and date of death of all children of such marriage who have died unmarried and without issue.

Whether or not such decedent was ever married, and if so, where, when and to whom.

How, when and where such marriage, if any, was dissolved.

Whether or not said decedent was ever remarried, and, if so, where, when and to whom.

The full names, and the dates and places of birth of all lineal descendants, if any, of said decedent; the dates and places of death of any thereof who died prior to the filing of such petition; and the places of residence of all who are then surviving, with the degree of relationship of each of such survivors to said decedent.

Whether any of the brothers or sisters of such decedent ever married, and, if so, where, when and whom.

The full names, and the places and dates of birth of all children who are the issue of the marriage of any such brother or sister of the decedent, and the date and place of death of all deceased nephews and nieces of said decedent.

Whether or not said decedent, if of foreign birth, ever became a naturalized citizen of the United States, and, if so, when, where, and by what court citizenship was conferred.

The post-office names of the cities, towns or other places, each in its appropriate connection, wherein are preserved the records of the births, marriages and deaths hereinbefore enumerated, and, if known, the title of the public official or other person having custody of such records.

The nationality of each of the heirs of the decedent.

The street address of each of the heirs of the decedent.

Petition and hearing to claim estate

If, for any reason, the petitioner is unable to set forth any of the matters or things hereinbefore required, he shall clearly state such reason in his petition.

At least 20 days before the hearing of the petition, a copy of the petition and notice of hearing must be served on the Attorney General and on the Controller, and the Attorney General may answer the same at his discretion.

If such claim includes a claim to real property or any interest therein, the petitioner shall record in the office of the county recorder of the county in which the real property is situated, a notice of the pendency of the petition containing the object of the action and a description of the property in the county affected thereby. From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property be deemed to have constructive notice of the pendency of the action, and only of its pendency against parties designated by their real names.

The court must thereupon try the issue as issues are tried in civil actions; and if it is determined that such person is entitled to the money or other property or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or if it has been sold and the proceeds thereof paid into the State Treasury, it must order the Controller to draw his warrant on the Treasurer for the payment of the same, but without interest or cost to the State. A copy of such order, under the seal of the court, shall be a sufficient voucher for drawing such warrant.

All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within one year after their respective disabilities cease.

SEC. 2. Section 1410 of the Code of Civil Procedure is amended to read:

Escheat actions

1410. The Attorney General shall, from time to time, commence actions on behalf of the State for the purpose of having it adjudged that title to unclaimed property to which the State has become entitled by escheat has vested in the State, and for the purpose of having it adjudged that property has been actually abandoned or that the owner thereof has died and there is no person entitled thereto and the same has escheated and vested in the State. Such actions shall be brought in the Superior Court for the County of Sacramento; except that if any real property covered by the petition is not situated in the County of Sacramento, an action respecting the real property shall be commenced in the superior court for the county in which such real property or any part thereof is situated. The Attorney General shall cause to be recorded in the office of the county recorder of the county in which the real property is situated, a notice of the pendency of the petition containing the names of the parties, and the object of the action and a description of the property in the county affected thereby.

From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and only of the pendency against parties designated by their real names.

Such action shall be commenced by filing a petition. The provisions of Section 1420, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1423, relating to appearances and pleadings, shall be applicable to any proceeding had under this section.

Upon the filing of the petition, the court shall make an order requiring all persons interested in the property or estate to appear on a day not more than 90 days nor less than 60 days from the date of the order and show cause, if any they have, why title to the property should not vest in the State of California.

Service of process in such actions shall be made by delivery of a copy of the order, together with a copy of the petition, to each person who claims title to any property covered by the petition and who is known to the Attorney General or the Controller or who has theretofore filed in the office of the Controller a written request for such service of process, stating his name and address, including street number, or post-office box number, if any, and by publishing the order at least once a week for four consecutive weeks in a newspaper published in the county in which the action is filed, the last publication to be at least 10 days prior to the date set for the hearing.

Upon completion of the service of process, as provided in this section, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the property, and shall have full and complete jurisdiction to hear and determine the issues therein, and to render an appropriate judgment.

In addition to the foregoing publication of the order, a notice shall be given by publication, at least once a week for four successive weeks in a newspaper published in the county from which the property was forwarded to the State Treasury or is situated, of each estate and item of property from such county or situated in such county in excess of one thousand dollars ($1,000). Such notice shall state that a petition has been filed and an order made as hereinbefore provided and shall list each estate and item in excess of one thousand dollars ($1,000) and show the amount of the property, if money, or a description thereof, if other than money, and the name of the owner or claimant and his last known address. Any omission or defect in the giving of such additional notice shall not affect the jurisdiction of the court.

If it appears from the facts found or admitted that the State is entitled to the property or any part thereof mentioned in the petition, judgment shall be rendered that title to such property or part thereof, as the case may be, has vested in the State by escheat.

No costs of suit shall be allowed against any party in any action or proceeding had under this section.

SEC. 3. Section 1430 of the Code of Civil Procedure is amended to read:

Escheat

1430. Upon the expiration of five years after the date of entry of judgment in any proceeding had under this chapter, or upon the expiration of five years after completion of notice by publication in an escheat action taken under the provisions of Section 1415, the property covered by such proceeding or action is permanently escheated to the State; saving however to infants, and persons of unsound mind, the right to appear and claim such property as provided in this title; but it shall be presumed that there are no such infants nor persons of unsound mind who are or will be entitled to claim such property unless and until they appear and claim such property as provided in this title; provided, however, such presumption shall be conclusive in favor of any purchaser in good faith and for a valuable consideration from the State and everyone subsequently claiming under him, saving however, to infants and persons of unsound mind the right of recourse to the proceeds of any sale or other disposition of any such property by the State and as herein provided.

SEC. 4. Section 1441 of the Code of Civil Procedure is amended to read:

Same Effect

1441. Money or other property distributed to the State under Sections 1027 or 1144 of the Probate Code, if not claimed within five years from the date of the decree making such distribution, as provided in Chapter 3, is permanently escheated to the State without further proceeding; saving, however, to infants and persons of unsound mind, the right to appear and file their claims within the time limited, or within one year after their respective disabilities cease; provided, however, that any such property shall be conclusively presumed to be permanently escheated to the State as to all persons in favor of a purchaser in good faith and for a valuable consideration from the State and anyone subsequently claiming under him, saving however, to infants and persons of unsound mind the right of recourse to the proceeds of any sale or other disposition of such property by the State and as herein provided.

SEC. 5. Section 1463 of the Code of Civil Procedure is amended to read:

Same Effect

1463. Money or other property paid into the State Treasury pursuant to a judgment of abandonment under the provisions of Section 1475, if not claimed within five years from the date of entry of such judgment, is permanently escheated to the State without further proceeding; saving, however, to infants and persons of unsound mind, the right to appear and file their claims within the time limited, or within one year after their respective disabilities cease; but it shall be presumed that there are no such infants nor persons of unsound mind who are or will be entitled to claim such property unless and until they appear and claim such property as provided in this title;

provided, however, that any such property shall be conclusively presumed to be permanently escheated to the State as to all persons in favor of a purchaser in good faith and for a valuable consideration from the State and anyone subsequently claiming under him, saving however, to infants and persons of unsound mind the right of recourse to the proceeds of any sale or other disposition of such property by the State and as herein provided.

SEC. 6. Section 1381 is added to the Code of Civil Procedure, to read:

1381. All sales, leases or other transactions entered into by the Controller pursuant to this chapter shall be conclusive against everyone, except a purchaser or encumbrancer who in good faith and for a valuable consideration acquires a title or interest by an instrument in writing that is first duly recorded. Sales, leases, etc., conclusive

SEC. 7. Sections 1, 2, 3, 4, 5, and 6 of this act become operative only if a new Title 10 of Part 3 of the Code of Civil Procedure is enacted by the Legislature at its 1951 Regular Session, and in such case, said sections of this act become operative at the same time as said new Title 10 of Part 3 of said code takes effect. Effect Stats 1951, Ch 1708

CHAPTER 1739

An act to amend Sections 20890 and 20894.5 of the Government Code, and Sections 14449 and 14495.2 of the Education Code, relating to public retirement systems in respect to absence of members in military service and contributions therefor.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.] In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 20890 of the Government Code is amended to read:

20890. A member is absent on military service when he is absent from state service by reason of service with the armed forces or the Merchant Marine of the United States, or on ships operated by or for the United States Government, either during a war involving the United States as a belligerent or in any other national emergency or in time of peace if he is drafted for such service by the United States Government, and during any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes, and for six months thereafter. A member shall also be considered as having been absent on military service if he served in the military service during all or part of the period of September 16, 1940, to December 7, 1941. Absence on military service

For the purposes of this section a war involving the United States as a belligerent exists: (a) whenever Congress has declared war and peace has not been formally restored; (b)

whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

SEC. 2. Section 20894.5 of the Government Code is amended to read:

Employer contributions

20894.5. Notwithstanding other provisions of this article to the contrary, the employer shall contribute for each member of this system who is absent on military service, whose death occurs during such absence or 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 plus the annual salary adjustments which he would have received, if he had not been so absent. For the purpose of this section, the member absent on military service shall be deemed to have received a service rating for the period of such absence entitling him to annual salary adjustments. For the purposes of this section, a member who is or was granted a leave of absence or placed on a state civil service re-employment list as of the same date he was reinstated from military leave shall be considered as having returned to state service within said six months, if he returns to state service at the end of such leave of absence or upon offer of employment from the re-employment list, or if he retires under this system for service or disability during such leave. Retirements, heretofore effective, of members during such leaves, and the contribution by the employer of said amounts with respect to said members, are hereby validated and confirmed.

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.

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.

The contributions required of the employer pursuant to this section may be made in one sum, or in the manner in which other contributions are made. Contributions pursuant to this section shall be available only for the purpose of benefits pay-

able in event of death or retirement for service or for disability, and shall be made available only for the purpose of benefits payable in event of death or 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. Employer contributions

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, or with the Federal Bureau of Investigation, anything to the contrary in Section 20890 notwithstanding. Contributions by the employer pursuant to this section shall not be made for any period of time after December 31, 1949, for any member whose absence on military service began prior to January 1, 1950, and who had not returned to state service prior to January 1, 1950.

This section shall not apply to any contracting agency or 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.

A contracting agency which elects to be subject to the provisions of this section may, by the amendment to or provision in its contract making such election, provide that the provisions of this section shall apply only to its employees who enter or have entered military service after a date designated in such amendment or such provision.

SEC. 3. Section 14449 of the Education Code is amended to read:

14449. The member shall receive credit for time during which he serves in the active military service of the United States or of the State including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States Government, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter, within one year prior to entering such service. Time during which a member for other cause, is absent without compensation, on leave or otherwise, shall not be included except as provided in Section 14447. Time included under this section shall be considered as served in the state in which the member was last employed before entering such service. Credit for time served

For the purposes of this section war with a foreign power exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

SEC. 4. Section 14495.2 of the Education Code is amended to read:

Contributions of returning members

14495.2. Notwithstanding anything contained in this article, members of this system shall not be required to contribute to the Permanent and Retirement Annuity Funds on the basis of service credited under Section 14449; provided, they return or have returned to an employment required for membership in this system within six months after the effective date of this section, or within six months after the termination of such service, whichever is later.

If the member was also a member of a local retirement system, the retirement system shall pay, from the Retirement Annuity Fund, to the member, at the time of his retirement, or to the local district maintaining the local system if the local district made local system contributions on the basis of service credited under the local system for time included under Section 14449, an amount equal to the annuity contributions which except for this section would be required of said member under Section 14495 on account of said service credited under the local retirement system, but not to exceed contributions made by him or the local district to the local system on account of such service. Regular interest from the effective date of this section to the time of such payment, shall be included in such payment. The State shall contribute annually to the Retirement Annuity Fund the amounts required to be paid from said fund to local districts under this paragraph.

Any such member who exercises or did exercise the right to contribute to the system for the period of such service shall have such contributions refunded with credited interest on annuity contributions.

Any employing agency which made the contributions for the member either during his absence or after his return to employment shall have such contributions refunded with credited interest on annuity contributions.

This section shall be retroactively applied to extend its benefits to all members of this system whose absence on military service, in the service of such auxiliary, or in the service of the Red Cross commenced on or after September 16, 1940, and who return, or have returned to an employment required for membership in this system within six months after the effective date of this section, or within six months after the termination of such service, whichever is later.

Contributions by the State and payments by the retirement system pursuant to, or as a result of, this section shall not be

made for any period of time after January 1, 1950, for any member who has not returned to an employment required for membership in this system prior to that date, except that contributions by the State pursuant to this section may be made for any member who returned to an employment required for membership in this system from military service prior to January 1, 1950, and subsequently re-entered or re-enters the military service and for any member who enters or has entered the military service on or after January 1, 1950, for the period of his military leave of absence.

CHAPTER 1740

An act to amend Sections 20013 and 20014 of, and to add Sections 20017.75, 20038.5, 21020.75, 21290.75, 21292.75, and 21363.75 to, the Government Code, relating to the State Employees' Retirement System, in respect to certain law enforcement personnel of the Department of Justice.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 20013 of the Government Code is amended to read:

20013. (a) "Member" means any person included in the membership of this system, and includes state members and local members. "Member"

(b) "State member" includes: "State member"

(1) State miscellaneous members.

(2) University members.

(3) Prison members.

(4) Patrol members.

(5) Warden members.

(6) Narcotic enforcement members.

(7) Law enforcement members.

(c) "Local member" includes:

(1) Local miscellaneous members.

(2) Local safety members.

SEC. 2. Section 20014 of said code is amended to read:

20014. "State miscellaneous member" includes all members employed by the State and university, except patrol, warden, narcotic enforcement, and law enforcement members. "State miscellaneous member"

SEC. 3. Section 20017.75 is added to said code, to read:

20017.75. "Law enforcement member" means only those persons employed in the Bureau of Criminal Identification and Investigation to perform the duties now performed under the titles of chief of bureau, deputy chief of bureau, chief special agent, supervising special agents, special agents, special criminal investigators, and investigators but excluding clerical personnel or those whose principal duties are clerical or otherwise "Law enforcement member"

and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

Except as otherwise provided, the provisions of this part applicable to state miscellaneous members are also applicable to law enforcement members.

SEC. 3.5. Section 20038.5 is added to said code, to read:

"Industrial"

20038.5. "Industrial" in reference to the death or disability of a law enforcement member means death or disability as a direct result of injury or disease arising out of and in the course of his employment and while performing duties which require the assumption of risks peculiar to active law enforcement work.

SEC. 4. Section 21020.75 is added to said code, to read:

Application of article

21020.75. The provisions of this article applicable to patrol members are also applicable to law enforcement members.

SEC. 5. Section 21290.75 is added to said code, to read:

Law enforcement member

21290.75. Upon retirement for nonindustrial disability, a law enforcement member who has attained age 60 shall receive his service retirement allowance.

SEC. 6. Section 21292.75 is added to said code, to read:

Retirement allowance

21292.75. Upon retirement of a law enforcement member for industrial disability he shall receive a disability retirement allowance of 50 percent of his final compensation plus an annuity purchased with his accumulated additional contributions, if any, or, if qualified for service retirement, he shall receive his service retirement allowance if such allowance, after deducting such annuity, is greater.

SEC. 7. Section 21363.75 is added to said code, to read:

Same Special death benefit

21363.75. The special death benefit is also payable if the deceased was a law enforcement member, if his death was industrial, as determined by the Industrial Accident Commission, in the same manner as for all other state employees, and if there is a wife or child who qualifies under subdivision (b), Section 21364.

CHAPTER 1741

An act to add Section 5500.5 to the Labor Code, relating to workmen's compensation for industrial disease.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 5500.5 is added to the Labor Code, to read:

Claims arising out of more than one employment

5500.5. Where a claim for compensation benefits is made on account of an occupational disease which may have arisen out of more than one employment, the application shall state

the names and addresses of all employers, the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the commission to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the commission shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer, provided such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the commission, panel, commissioner, or referee before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the commission shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

In any case involving a claim of occupational disease contracted as a result of more than one employment, the employee making the claim, or his dependents, may elect to proceed against any one or more of the employers named in the application. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the commission shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the commission on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the commission's final decision, nor to any continuance or further proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time, place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

Proceedings to apportion liability

At any time within one year after the commission has made an award for compensation benefits in connection with an occupational disease, any employer held liable under such award may institute proceedings before the commission for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the commission finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

Same Silicosis disabilities

In any proceeding before the commission for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows.

(a) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded to the employee or his estate or dependents as the result of disability or death resulting from or aggravated by such exposure

(b) If any of the employers who have not contributed to payment of the original award shall be without the commission's jurisdiction, or are dead, insolvent, or not subject to enforcement of awards against them for such contributions, either directly or through solvent insurance carriers, then upon such showing being made to the satisfaction of the commission, it shall make an award in favor of the employer or employers who have paid the original award, payable out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, in an amount equal to the unreimbursed portions of the original payment or payments to which such employer or employers are found entitled as aforesaid. The use of the fund for such reimbursement in addition to the purposes specified in Section 4751 of this code is hereby authorized. The Legislature finds that as a matter of public policy and public welfare, sufferers from silicosis resulting from employment in underground metal mines should be compensated for such disability; that due to the peculiar nature of this disease it often does not manifest itself until long after periods of exposure have expired; that this frequently results in disability occurring in or after the last of a series of employments where such exposure

existed; that underground metal mining is a class of industry having special character, both as to silicotic hazard and investment hazard; that the latter hazard has resulted in the past in closure of mines, disappearance or financial nonresponsibility of former owners or lessees of such mines and consequent inability of the commission to enforce against them compensation awards for proportionate liability in silicosis cases. It is inequitable that total ultimate liability should fall on one or more such employers who happen to be solvent or have solvent insurance carriers within the commission's jurisdiction or in reach of its process. Therefore the Legislature finds that, to the extent that the commission determines that proper contributions to a joint and several award for compensation for silicosis cannot be enforced against an employer who is or was engaged in underground metal mining for any of the above reasons, it shall direct that contribution shall be paid, either directly or by way of reimbursing any employer or employers who have paid said award, by payment from the fund provided for in Section 4751 of this code. Such payments or reimbursement for payments the Legislature finds will protect employees in the metal mining industry and will promote the general public welfare in mining communities. Silicosis disabilities

(c) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the commission shall consider as a rebuttable presumption that employment in underground work in any mine for a continuous period of more than three calendar months will result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the commission, or its referee, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The commission may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their exceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken. Evidence re working conditions

CHAPTER 1742

An act to amend Section 5107 of the Education Code, relating to state school building aid.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 5107 of the Education Code is amended to read:

Investment of Public School Building Loan Fund

5107. The Department of Finance is authorized, with the approval of the State Board of Control, to invest any surplus money in the Public School Building Loan Fund in bonds or other obligations of the United States, or of the State of California, or of the several counties, municipalities, school districts or other public agencies of the State of California, and to sell such bonds, or obligations, or any of them, at the governing market rates. Interest earned or other increment derived from investments made pursuant to this section shall, on order of the State Controller, be deposited in the Public School Building Loan Fund, and shall be available only for transfer to the General Fund, as provided by Section 5103. Expenses incurred by the State Treasurer in taking and making delivery of bonds or other securities purchased as investments from such surplus money in the Public School Building Loan Fund may be paid from such fund.

CHAPTER 1743

An act to add Section 11011 to the Government Code, relating to the payment of commissions to licensed real estate brokers upon the sale of state-owned land.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 11011 is added to the Government Code, to read:

Employment, compensation of broker

11011. When the highest bid received after advertising does not equal the appraised value of such property, a state agency authorized to sell state-owned real property, except property acquired for state highway purposes, may, with the approval of the Department of Finance, employ a licensed real estate broker in connection with such sale and pay the amount of commission earned by such broker. The commission shall be paid only out of the proceeds of the sale before the proceeds are remitted to the State Treasury.

CHAPTER 1744

An act to add Section 8215 to the Government Code, relating to notaries public.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 8215 is added to the Government Code, to read:

8215. The Governor may appoint and commission such number of state employees as notaries public in the several counties of the State to act for and in behalf of a state agency as he deems proper. Whenever such a notary is appointed and commissioned, the head of the agency shall execute a certificate that the appointment is made for the purposes of the agency, and whenever such certificate is filed with any state or county officer, no fees shall be charged by the officer for the filing or issuance of any document in connection with such appointment

State employees as notaries public

Any agency for which a notary public is appointed and commissioned pursuant to this section may pay from any funds available for its support the premiums on any bond and the cost of any stamps, seals, or other supplies required in connection with the appointment, commission, or performance of the duties of such notary public.

Any fees collected or obtained by any notary public whose documents have been filed without charge and for whom bond premiums have been paid by a state agency shall be remitted by him to the state agency by which he is employed and paid into the State Treasury to the credit of the fund from which his salary is paid.

Any expenditures made or costs incurred by a state agency prior to the effective date of this section for the appointment, commission, or qualification of a notary public to act as such for the agency may be paid from funds available for the support of the agency.

CHAPTER 1745

An act to amend Sections 50121, 50123, 50124, 50126, and 50128, and to repeal Sections 50122 and 50125, of the Water Code, relating to reclamation districts.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 50121 of the Water Code is amended to read:

50121. A purchaser of public lands within a district has all the rights and privileges enjoyed by the original signers of

Purchaser of public lands

the by-laws of the district upon payment of all charges assessed against the land for the cost and expense of reclamation, with interest from the date such charges became due.

SEC. 2. Section 50122 of said code is repealed.

SEC. 3. Section 50123 of said code is amended to read:

Certificate of completion of works or expenditure

50123. When the board, or landowners in districts having no board, certify under oath to the board of supervisors and show to its satisfaction that the reclamation works are completed, or that two dollars ($2) per acre has been expended for reclamation works on swamp or overflowed lands purchased pursuant to an application filed with the State Lands Commission prior to September 19, 1939, the board of supervisors shall certify such facts to the State Lands Commission.

SEC. 4. Section 50124 of said code is amended to read:

Same

50124. The State Lands Commission, upon receipt of the certification from the board of supervisors, shall forward to the treasurer of each county in which any part of the district is situated a statement showing the amount paid by each purchaser, including interest.

Repeal

SEC. 5. Section 50125 of said code is repealed.

SEC. 6. Section 50126 of said code is amended to read:

Distribution of surplus funds

50126. The county treasurer, upon receipt of the statement from the State Lands Commission showing the amounts paid by each purchaser of swamp and overflowed lands in the district, shall, after deducting all amounts chargeable against the lands in the district by reason of moneys drawn from the "swamp-land fund" of the county, pay the balance thereof pro rata to the original purchasers of land in the district, or their heirs, executors, administrators, successors or assigns

SEC. 7. Section 50128 of said code is amended to read:

Credit

50128. When the purchasers of swamp and overflowed lands have paid for such lands in full, the board may allow a credit of one dollar ($1) per acre on any unpaid or future assessment levied for reclamation purposes on all other lands in the district.

CHAPTER 1746

An act to amend Section 205 of, and to add Chapter 3 to Part 6 of Division 2 of, the Labor Code, relating to labor contractors.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 205 of the Labor Code is amended to read:

Pay days

205 In agricultural, viticultural, and horticultural pursuits, in stock or poultry raising, and in household domestic service, when the employees in such employments are boarded

and lodged by the employer, the wages due any employee remaining in such employment shall become due and payable once in each calendar month on a day designated in advance by the employer as the regular pay day. No two successive pay days shall be more than 31 days apart, and the payment shall include all wages up to the regular pay day. Notwithstanding the provisions of this section, wages of workers employed by a farm labor contractor shall be paid on pay roll periods at least once every two weeks on a business day designated in advance by the farm labor contractor. Payment on such pay day shall include all wages earned up to and including the fourth day before such pay day.

SEC. 2. Chapter 3 is added to Part 6 of Division 2 of said code, to read:

CHAPTER 3. FARM LABOR CONTRACTORS

1682. As used in this chapter: Definitions

(a) "Person" includes any individual, firm, partnership, association, or corporation.

(b) "Farm labor contractor" designates any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for such workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such persons. This chapter shall not apply to any person who performs any of the above services only within the scope of his regular employment by the third person on whose behalf he is so acting, or to a nonprofit corporation or organization which performs the same functions for its members.

(c) "License" means a license issued by the Labor Commissioner to carry on the business, activities, or operations of a farm labor contractor under this chapter.

(d) "Licensee" means a farm labor contractor who holds a valid and unrevoked license under this chapter.

(e) "Fee" shall mean (1) the difference between the amount received by a labor contractor and the amount paid out by him to persons employed to render personal services to, for or under the direction of a third person; (2) any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described above, and shall include the difference between any amount received or to be received by him, and the amount paid out by him, for or in connection with the rendering of such services.

1683. No person shall act as a farm labor contractor until a license to do so has been issued to him by the Labor Commissioner, and unless such license is in full force and effect and is Farm labor contractor licenses

in his possession. The Labor Commissioner shall, by regulation, provide a means of issuing duplicate licenses in case of loss of the original license or any other appropriate instances.

Qualifications

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand dollars ($1,000). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of twenty-five dollars ($25) at the time the license has been issued.

Grounds for refusal

1685. No license to operate as a labor contractor shall be granted:

(a) To any person who sells or proposes to sell intoxicating liquors in a building or on premises where he operates or proposes to operate as a labor contractor.

(b) To a person whose license has been revoked within three (3) years from the date of application.

Proceedings for refusal

1686. The Labor Commissioner, upon proper notice and hearing, may refuse to grant a license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the commissioner shall have all of the powers granted therein.

Contents

1687. Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

(3) The amount of the surety bond deposited by the licensee; and

(4) The fact that the license may not be transferred or assigned.

(5) The license shall contain on the back thereof the definition of a farm labor contractor, as defined by Section 1682, subdivision (b), of this chapter.

This section shall not become operative until April 1, 1952. Operative date

1688. Each license shall run to and include the thirty-first day of March next following the date thereof unless sooner revoked by the Labor Commissioner and may be renewed each year upon the filing of an application for renewal, a renewed bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application and a bond be submitted. Term

Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the Labor Commissioner prior to the effective date of such cancellation.

1689. All applications for renewal shall state the names and addresses of all persons, except bona fide employees on stated salaries, financially interested either as partners, associates or profit sharers in the operation of the employment agency. Applications for renewal

1690. The Labor Commissioner may revoke, suspend or refuse to renew any license when it is shown that: Revocation, suspension, etc

(1) The licensee or any agent of the licensee has violated or failed to comply with any of the provisions of this chapter;

(2) The licensee has made any misrepresentations or false statements in his application for a license;

(3) The conditions under which the license was issued have changed or no longer exist; or

(4) The licensee, or any agent of the licensee, has violated or has wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the State of California regulating the employment of females or minors in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business, activities, or operations of the licensee in his capacity as a farm labor contractor.

1691. If any licensee fails to file a bond with the Labor Commissioner within 30 days after notice of cancellation by the surety of the bond required under Section 1684, the license issued to the principal under the bond is suspended until such time as a bond is filed A person whose license is suspended pursuant to this section shall not operate as a labor contractor during the period of such suspension. Failure to file bond

1692. Before revoking or suspending any license, the Labor Commissioner shall afford the holder of such license an opportunity to be heard in person or by counsel. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein. Hearing re revocation, suspension

1693. All actions brought in any court against any licensee may be brought in the name of the person damaged upon the bond deposited with the State by the licensee; provided, Actions against licensee

however, that the aggregate liability of the surety to all such persons shall in no event exceed the penal sum of said bond. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of such actions and may prosecute such actions on behalf of persons who, in the judgment of the Labor Commissioner, are financially unable to employ counsel, in the same manner that claims are prosecuted under Section 98 of this code. The amount of damage claimed by plaintiff, and not the penalty named in the bond, determines the jurisdiction of the court in which the action is brought.

Service of summons

1694. When a licensee has departed from the State with intent to defraud creditors or to avoid service of summons in any action brought under this chapter, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of the summons shall be mailed to the licensee at the last known post-office address of his residence, as shown by the records of the Labor Commissioner. Service is complete as to such licensee, after mailing, at the expiration of the time prescribed by the Code of Civil Procedure for service of summons in the particular court in which suit is brought.

Licensee Duties

1695. Every licensee must:

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

(2) File at the United States Post Office serving the address of the licensee, as noted on the face of his license, a correct change of address immediately upon each occasion said licensee permanently moves his address.

(3) Promptly when due, pay or distribute to the individuals entitled thereto, all moneys or other things of value entrusted to the licensee by any third person for such purpose.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

(5) Take out a policy of insurance with any insurance carrier authorized to do business in the State of California in an amount satisfactory to the commissioner, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

Same Prohibited acts

1696. No licensee shall:

(1) Make any misrepresentation or false statement in his application for a license.

(2) Make or cause to be made, to any person, any false, fraudulent, or misleading representation, or publish or circulate or cause to be published or circulated any false, fraudulent, or misleading information concerning the terms or conditions or existence of employment at any place or places, or by any person or persons, or of any individual or individuals.

(3) Send or transport any worker to any place where the labor contractor knows a strike or lockout exists, without notifying the worker that such conditions exist.

(4) Do any act in his capacity as a farm labor contractor, or cause any act to be done, which constitutes a crime involving moral turpitude, or the effect of which causes any act to be done which constitutes a crime involving moral turpitude under any law of the State of California.

Violation

1697. Any person who violates any provisions of this chapter, or who causes or induces another to violate any provisions of this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500), or imprisonment in the county jail for not more than six months, or both.

Application of other provisions

1698. No part of the provisions of Part 6, Chapter 1, of Division 2 of this code shall be applicable to a farm labor contractor, except that the following sections, in the terms thereof now in effect, shall be so applicable, to wit: Sections 1591, 1595, 1630, 1633, 1637, 1638, 1639, 1640, and 1642; and for such purpose, each of said sections, in the terms thereof now in effect, shall be read, applied, administered, and enforced as though expressly made applicable to a farm labor contractor.

Rules and regulations

1699. The Labor Commissioner may promulgate rules and regulations, not inconsistent with this chapter for the purpose of enforcing and administering this chapter.

CHAPTER 1747

An act to amend Section 20804 of, to add Sections 20804.5 and 21254 to, and to repeal Section 20833 of, the Government Code, relating to the State Employees' Retirement System in respect to credit for time spent in the employment of the State or of a contracting agency prior to commencement of membership therein.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 20804 of the Government Code is amended to read:

"Current service"

20804. "Current service" means all state service rendered by a member on and after the date upon which he first became a member, except as provided in Section 20656 and in Section 20804.5.

SEC. 2. Section 20804.5 is added to said code, to read:

Current service credit

20804.5. Any member not entitled to credit for prior service shall receive current service credit for the six months time spent by him in the employment of the State or contracting agency prior to becoming a member of this system if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over

not to exceed 36 months, normal contributions for a period of six months, computed by applying the rate of contribution applicable to him at the time he first became a member of this system to the compensation earnable by him at that time, together with interest on the unpaid balance if such contributions are paid by installments.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

Repeal

SEC. 3. Section 20833 of said code is repealed.

SEC. 4. Section 21254 is added to said code, to read:

Retired members

21254. Every prior service pension and disability retirement pension payable for time commencing on the effective date of this section to any state member who was retired prior to said effective date is hereby increased to the amount it would be if Section 20833 (providing that the prior service credited under Sections 20830, 20831, and 20832 shall be one-half year less than the total prior service rendered) had been repealed prior to the date of retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the State for any increase in any pension paid or payable for time prior to its effective date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables.

CHAPTER 1748

An act to amend Section 2786 of the Business and Professions Code, relating to nursing education.

In effect September 22, 1951

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 2786 of the Business and Professions Code is amended to read:

Accredited schools of nursing

2786. An accredited school of nursing is one which has been approved by the board, gives the course of instruction in nursing required by the board, covering not less than 36 months, and is affiliated or conducted in connection with one or more hospitals; provided, however, that educational institutions of collegiate rank such as colleges and universities may conduct accredited schools of nursing wherein credit may be given for prenursing courses received at educational institutions other than the school of nursing, and such credit so given by the collegiate institution shall be recognized and credited by the board as a partial fulfillment of the 36 months course of study.

CHAPTER 1749

An act to amend Section 209 of the Penal Code, relating to kidnaping and the punishment therefor.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 209 of the Penal Code is amended to read:

209. Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward or to commit extortion or to exact from relatives or friends of such person any money or valuable thing, or any person who kidnaps or carries away any individual to commit robbery, or any person who aids or abets any such act, is guilty of a felony and upon conviction thereof shall suffer death or shall be punished by imprisonment in the state prison for life without possibility of parole, at the discretion of the jury trying the same, in cases in which the person or persons subjected to such kidnaping suffers or suffer bodily harm or shall be punished by imprisonment in the state prison for life with possibility of parole in cases where such person or persons do not suffer bodily harm. Kidnaping, punishment

Any person serving a sentence of imprisonment for life without possibility of parole following a conviction under this section as it read prior to the effective date of this act shall be eligible for a release on parole as if he had been sentenced to imprisonment for life with possibility of parole.

CHAPTER 1750

An act to add Chapter 5 to Division 2 of the Health and Safety Code, relating to the regulation of the humane use of animals for diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, animal and human nutrition, improvement and standardization of laboratory procedures, and to provide for the issuance, suspension and revocation of licenses by the State Department of Public Health, relating to the use of animals for medical research, and making an appropriation therefor.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 5. REGULATION OF USE OF ANIMALS IN DIAGNOSTIC PROCEDURES AND MEDICAL RESEARCH

Article 1. General Provisions

Policy

1650. The public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals and drugs.

Administration construction, definitions

1651. The State Department of Public Health shall administer the provisions of this chapter.

Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

As used in this chapter, "person" includes: laboratory, firm, association, corporation, copartnership, and educational institution.

As used in this chapter, "board" means the State Board of Public Health.

As used in this chapter, "department" means the Department of Public Health.

Article 2. Administration and Regulation

Rules and regulations

1660. The department shall make and promulgate, and may thereafter modify, amend or rescind, reasonable rules and regulations to carry out the purposes of this chapter, including the control of the humane use of animals for the diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and for the testing and diagnosis, improvement and standardization of laboratory specimens, biologic products, pharmaceuticals and drugs. Such rules and regulations shall include requirements for satisfactory shelter, food, sanitation, record keeping, and for the humane treatment of animals by persons authorized by the board to raise, keep or to use animals under the provision of this chapter. The department shall not make or promulgate any rule compelling the delivery of animals for the purpose of research, demonstration, diagnosis, or experimentation.

Administrative Procedure Act

1661. The provisions of the Administrative Procedure Act Government Code, Title 2, Division 3, Part 1, Chapter 4, shall be applicable to all the rules and regulations promulgated by the department under the provisions of this chapter.

Inspection

1662. The department is hereby authorized to inspect any premises or property on or in which animals are kept for experimental or diagnostic purposes, for the purpose of investigation of compliance with the rules and regulations adopted hereunder.

Such inspection or other method of control shall be enforced only by employees of the department and such power and authority may not be delegated to any other persons or agency.

Article 3. Application of the Chapter

Approval

1666. No person shall keep or use animals for diagnostic purposes, education or research unless approved by the board.

Same Conditions

1667. The board shall prescribe the rules under which approval shall be granted including the standards regarding the care and treatment of such animals employed Any person desiring approval to use animals for the purposes covered by this chapter shall make application to the department for such approval on forms provided by the department. The board shall grant approval on forms provided by the department to any person who has made application in accordance with the provisions of this article and who is found to be in compliance with the provisions of this chapter and the rules and regulations of the board. Any person keeping or using animals under the provisions of this chapter shall display in a prominent place the certificate of approval granted for such purpose. Such approval shall remain in effect for one fiscal year if not revoked by the board. If the board does not within ninety (90) days after the filing of this application grant approval it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant, the notice may be served by registered mail addressed to the applicant at his last known address.

Complaint. Investigation. disciplinary action

1668. The board may, upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person keeping or using animals for research or diagnostic purposes within this State, and it may temporarily suspend or permanently revoke a certificate of approval at any time where the holder of such a certificate, within the immediately preceding three years, while a holder of a certificate of approval, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of the breach of any of the provisions of this chapter or of any reasonable rule or regulation adopted by the board for the purpose of carrying out the provisions of this chapter. The board may promulgate and adopt reasonable rules and regulations concerning the procedure for the drafting, filing and disposition of verified complaints of individuals. Procedure for revocation or suspension of approval shall be in accordance with the provision of the Administrative Procedure Act Government Code, Title 2. Division 3, Part 1, Chapter 5, and the department shall have all the powers granted therein.

Scope

1669 This chapter does not apply to any veterinary licensed to practice veterinary medicine in this State or to any place of business operated by such veterinary, nor to animal training, animal cosmetics and routine animal husbandry practices, nor to laboratories subject to control or regulation by the

National Institutes of Health or the Federal Bureau of Animal Industry.

Local regulation

1670. Nothing contained in this chapter shall be construed to limit or restrict the right of counties, cities, cities and counties, towns or townships, to adopt or enforce ordinances or other regulations regulating the use or procurement of animals for diagnostic procedures or medical research, and any such ordinances or regulations now in effect are not affected by this chapter. It is the intent of this chapter to provide state regulation of the use of animals in diagnostic procedures and medical research concurrently with and supplementary to local regulations, but not to preclude the exercise by counties, cities, cities and counties, towns or townships, of such regulatory power as they may possess in this field under the Constitution and statutes of this State

Article 4. Offenses Against the Chapter

Unlawful act

1672. It is unlawful for any person to use animals for the purposes provided for in this chapter without the approval of the board.

Penalty

1673. Any person who violates this chapter is guilty of a misdemeanor.

Article 5. Revenue

Annual fee

1676. An annual fee, to be employed for the enforcement of this act, shall accompany each application for approval. The annual fee payable to the Department of Public Health shall be in the following amount:

(a) With respect to any person who in the previous calendar year used 50 or less animals for any of the purposes specified in this chapter, the fee shall be five dollars ($5).

(b) With respect to any person who in the previous calendar year used more than 50 but less than 500 animals for any of the purposes specified in this chapter, the fee shall be twenty-five dollars ($25).

(c) With respect to any person who in the previous calendar year used 500 or more animals for any of the purposes specified in this chapter, the fee shall be two hundred dollars ($200).

Same
Accrual

1677. Annual fees payable under this chapter shall become due and payable by each person approved by the board on or before March 1st in each year. Such fees shall be paid by the department into the General Fund in the State Treasury. It is the intention of the Legislature that the costs of administering this act shall be substantially covered by the revenues collected hereunder.

Appropriation

SEC. 2. The sum of seven thousand eight hundred ninety-three dollars ($7,893) is appropriated from the General Fund in the State Treasury in augmentation of Item 231 of the Budget Act of 1951, to be expended by the Department of Public Health in administration and enforcement of this act.

CHAPTER 1751

An act to amend Section 960 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 960 of the Welfare and Institutions Code is amended to read:

960. The board of supervisors may, by ordinance, direct the county superintendent of schools to establish and maintain public schools in any juvenile home or camp established in the county under this article of such grade or grades as may be, in the judgment of the county superintendent of schools, necessary. The board of supervisors shall provide suitable buildings and equipment for such schools.

Schools in juvenile homes and camps

Such school or schools when established shall be maintained subject to and in accordance with all laws relating to schools maintained by a county superintendent of schools in a juvenile hall under Article 5 of Chapter 2 of Part 1 of this division.

CHAPTER 1752

An act providing for the constitution of the municipal court in a district embracing the City of Los Angeles, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 24, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The municipal court in a district embracing the City of Los Angeles shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as now or hereafter provided in the Municipal Court Act of 1925 for the municipal court previously established in said city unless otherwise prescribed by the Legislature.

Los Angeles municipal court

Stats. 1925, p. 648

CHAPTER 1753

An act to amend Section 4032 of the Business and Professions Code, relating to the sale of drugs, chemicals and medicines.

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 4032 of the Business and Professions Code is amended to read:

Scope of chapter

4032. (a) This chapter shall not apply to any packaged, bottled or nonbulk chemicals, drugs or medicines, when identified by and sold under a trade-mark, trade name or other trade symbol privately owned or registered in the United States Patent Office or as provided by the laws of the State of California, and labeled with directions for use and with the name and address of the manufacturer or distributor, if such chemical, drug or medicine meets with the requirements of the pure food and drug laws of the United States of America and of the State of California.

Except as provided in Section 4044, this section does not exempt the sale of any medicinal drug or medicinal preparation named and listed in the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, or the National Formulary when sold under such name alone or when sold under such name used cojointly with a trade name, brand or trade-mark, registered or not.

(b) This chapter does not apply to the sale of any intravenous solution of 150 cubic centimeters or over; cold sterilizing solutions; sterilized sutures; hypodermic needles and syringes; sterile distilled water U. S. P.; sterile normal saline solution; laboratory chemicals and reagents; stains and dyes; chemicals and drugs used as indicators in diagnostic and X-ray examinations; soaps, detergents, and tincture of green soap U. S. P.; medicinal gases; ether, chloroform and ethyl chloride; sulfa creams, ointments, and jellies used for introduction into the vaginal tract; and medicated dressings; where such sale is made to any of the following:

1. A physician, dentist, chiropodist, veterinarian, pharmacist, medical technician or medical technologist holding a currently valid and unrevoked license to practice his profession; and a chiropractor acting within the scope of his license.

2. A clinic, hospital, institution or establishment holding a currently valid and unrevoked license or permit under Division 2 of the Health and Safety Code, or under Part 3 of Division 2, Chapter 2 of Division 3, or Part 2 of Division 6 of the Welfare and Institutions Code.

3. An exporter for export outside the United States where such drugs, medicines, poisons or chemicals are actually shipped outside the United States.

(c) However, this section does not exempt the provisions of Section 4030 of this chapter requiring that any prescription of a medical practitioner shall be compounded or dispensed by a registered pharmacist whether the ingredient or ingredients of such a prescription be trade-marked or not.

CHAPTER 1754

An act to amend Sections 28116 and 28128 of the Government Code, relating to compensation for public services.

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 28116 of the Government Code is amended to read:

28116. In a county of the sixteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: Monterey County officers Salaries

(a) The county auditor, six thousand dollars ($6,000) a year.

(b) The district attorney, eight thousand dollars ($8,000) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year. He shall be allowed mileage at the rate of seven cents ($0.07) a mile in going from his residence to the county seat and returning at each session of the board. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration and no other traveling expenses shall be allowed.

(d) Grand jurors and trial jurors in the superior court shall receive for each day's attendance three dollars ($3), and for every mile actually traveled in attending court as such jurors, in going only, fourteen cents ($0.14).

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 28128 of said code is amended to read:

28128. In a county of the twenty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: San Luis Obispo County officers Salaries

(a) The auditor, five thousand four hundred dollars ($5,400) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year. He shall devote his entire time during office hours to the work of the county and State and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor and as road commissioner, three thousand dollars ($3,000) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed six cents ($0.06) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed six cents ($0.06) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed

as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expense for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance. In justices' courts in civil cases the jurors sworn to try the cases shall receive two dollars ($2) for each day's attendance. All jurors shall receive fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the place of service. In the justices' courts mileage shall be allowed only to those sworn to try the case.

The compensation provided by this section shall be payable to incumbent officers.

Operative date

SEC. 3. If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of this act, such increase in compensation shall nevertheless be payable to the officers designated in this act as soon as it is legally competent to do so.

CHAPTER 1755

An act to add Section 635.1 to, and to amend Sections 735.3 and 736 11 of, the Agricultural Code, relating to milk and dairy products.

In effect September 22, 1951

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 635.1 is added to the Agricultural Code, to read:

Pasteurized concentrated milk and skim milk

635.1. Pasteurized concentrated milk is market milk which has been reduced to a semiliquid state by the removal of a portion of its water content by the aid of heat or combining concentrated skim milk derived from market milk and market cream so that the resulting product contains not less than 9.9 percent of milk fat and not less than 24 percent of milk solids not fat. It shall otherwise meet and be subject to all the requirements and standards for market milk, except that it may be pasteurized before concentration but must be pasteurized after concentration, and except that it shall contain not more than 20,000 bacteria per gram. Pasteurized concentrated milk shall be packaged in containers other than hermetically sealed containers.

Concentrated skim milk is skim milk derived from market milk which has been reduced to a semiliquid state by the removal of a portion of its water content by the aid of heat so that the resulting product contains not less than 24 percent of milk solids not fat.

SEC. 2. Section 735.3 of said code is amended to read:

735.3. As used in this chapter: Definitions

(a) "Board" means any local control board created as herein authorized.

(b) "Fluid milk" means any and all whole or concentrated milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed and for the purpose of this chapter fluid milk may be classified as follows:

Class 1. Any fluid milk or the cream therefrom that is supplied to consumers as market milk or market cream or concentrated milk or any combination of market milk and market cream, or any market milk which is not packaged in hermetically sealed containers, or any other dairy product in which the use of market milk is required by the provisions of this code, or any fluid milk or the cream therefrom which is used in standardizing market milk.

Class 2. Any such milk or the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in any form not included in Classes 1 or 3.

Class 3. Any such milk or the cream derived therefrom, as cream is defined in this code, that is used by distributors in the manufacture of butter and cheese other than cottage cheese.

In the establishment of the minimum prices for one or more of the respective classes separate prices may be established for the milk fat contained in such milk or the skim milk contained in such milk or a combination of the milk fat and the skim milk contained in such milk.

In designating and prescribing or providing methods for designating and prescribing minimum price to be paid by distributors to producers for Classes 1, 2 or 3 fluid milk, the director may take into consideration the market price of all milk which may be used for the same purposes set forth in such respective classes.

(c) "Fluid cream" means cream as defined in this code, and any combination of cream and milk, or any fluid product of milk or cream sold under any trade name whatsoever, which is not packaged in hermetically sealed containers and which contains more than 11.6 percent milk fat and conforms to the health and sanitary regulations of the place where sold or disposed of for human consumption.

(d) "Dairy products" includes any product manufactured from milk or any derivative or product of milk.

(e) "Producer" means any person who produces fluid milk from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold, and whose fluid milk or fluid cream is received or handled by any distributor. "Producer" includes any association of producers.

(f) "Distributor" means any person, whether or not such person is a producer or an association of producers, who pur-

Definitions

chases or handles fluid milk or fluid cream for sale, including brokers, agents, copartnerships, cooperative corporations and incorporated and unincorporated associations. The definition of "distributor" shall not include any of the following: (1) Any retail store that is not engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid milk or fluid cream only to a distributor.

(ff) "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of fluid milk or fluid cream produced by him to a distributor, and shall be deemed to be a distributor in any transaction involving the delivery of fluid milk or fluid cream to a person who is not a distributor as defined in this section.

(g) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises.

(h) "Marketing area" is any area within this State declared to be such in the manner prescribed in this chapter.

(i) "Stabilization and marketing plan" means any plan formulated and made effective by the director within the legislative standards provided by this chapter and shall include, among other things, the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream.

(j) "Consumer" means any person who purchases fluid milk, fluid cream or dairy products for consumption.

(k) "Person" means any individual, firm, corporation, association or any other business unit.

SEC. 3. Section 736.11 of said code is amended to read:

Establishment of minimum prices

736.11. The director shall, as soon as possible after the effective date hereof, in all marketing areas wherein a stabilization and marketing plan for fluid milk or fluid cream is in effect under the provisions of this chapter, designate and prescribe or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, or fluid cream.

(a) Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores,

restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor. Minimum wholesale prices, as used herein, includes prices at which fluid milk or fluid cream, or both, shall be sold by distributors to other distributors, other than in bulk, which prices may vary from the minimum prices established for sales by distributors to other wholesale customers; provided, however, the director shall not be required to establish such minimum wholesale prices in those marketing areas wherein he finds, after public hearing held pursuant to this article, that conditions of transportation, production, and distribution are such that the establishment thereof will cause disparity in prices to exist between two or more marketing areas.

(b) Minimum retail prices herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

At the time any stabilization and marketing plan is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, such minimum wholesale prices and such minimum retail prices; provided, however, that all prices established under the terms of this article shall be such prices as are determined by the director pursuant to the provisions of Section 736.12.

CHAPTER 1756

An act to repeal and add Section 63 to the California Water District Act, and to amend Section 35975 of, and to add Sections 36152, 36303, 36304, and 36305 to, the Water Code, to repeal Article 4 of Chapter 2, Part 6, Division 13 of said code, and to repeal and add Article 3 of Chapter 3 and Article 3 of Chapter 4 of Part 6, Division 13 of said code, relating to revenue bonds of districts organized under said act, and declaring the urgency thereof, to take effect immediately.

Stats 1913, p 815

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 63 of the California Water District Act is repealed and added, to read:

Stats 1913, p 815

Sec. 63. Revenue bonds of the district, when issued, shall be payable in lawful money of the United States. The revenue bonds and interest coupons attached thereto shall be in such form as may be prescribed by the board of directors. Revenue bonds shall be payable at such time and place as may be designated by the board of directors, but in no case shall the maturity

District revenue bonds
General provisions

Same

of any revenue bond be more than 40 years from the date thereof, and each bond shall be payable at a given time for its entire amount and not for a percentage thereof. Revenue bonds shall be of the denomination of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) each and shall be signed by the president of the board of directors and attested by the secretary of the district. The interest coupons appertaining thereto shall be signed by the secretary of the district. All such signatures may be printed, lithographed, engraved or otherwise mechanically reproduced, except that one of such signatures to said bonds shall be manually affixed. The seal of the district may be affixed to said revenue bonds by mechanical reproduction thereof. If any officer whose signature appears on any revenue bond or coupon ceases to be such officer of the district before the delivery of the revenue bonds to the purchaser, such signature on either the bond or coupons, or both, is nevertheless valid and sufficient for all purposes with like force and effect as though such officer had remained in office until the actual delivery of the revenue bonds and payment of the purchase price thereof. The board of directors may, in the resolution authorizing the issuance of said revenue bonds, provide that the same or any part thereof shall be subject to call and redemption before maturity, at the option of the district, at such price or prices as may be fixed in the resolution, not exceeding a premium of 6 percent of the par value of such revenue bonds so subject to redemption. Revenue bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect on the face of said revenue bonds and no revenue bond shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital. The board of directors in its resolution authorizing the issuance of the revenue bonds shall fix the method of giving notice of redemption to the holders of revenue bonds to be redeemed and the price or prices at which such revenue bonds shall be subject to redemption. Revenue bonds shall bear interest at a rate not in excess of 6 percent per annum, payable annually or semiannually as may be prescribed by the board of directors. Each issue of revenue bonds shall be numbered consecutively and the bonds of each issue shall be numbered consecutively from lower to higher as the same mature and shall bear such date as may be prescribed by the board of directors. The date appearing upon the face of the revenue bond shall be deemed to be the date of issuance irrespective of the subsequent delivery thereof. The treasurer of the district shall, when the revenue bonds have been duly executed and delivered to him, keep a record, in a book provided by him for that purpose, of said revenue bonds and the payment thereof and interest thereon. When revenue bonds have been issued and delivered to the treasurer, said revenue bonds and the interest thereon shall be and remain until paid a lien, as specified in the revenue bonds and the proceedings authorizing their issuance, on the revenues of the district obtained from

the sale and use of water for irrigation of the lands of the district at rates, tolls and charges fully sufficient to pay the principal of and the interest on said revenue bonds as the same mature. The lien of the revenue bonds of any issue shall be a preferred lien to that of any subsequent issue. Revenue bonds of any district now outstanding are hereby validated in the form in which the same have been issued and delivered and shall constitute valid and legally binding obligations of the district payable in accordance with the terms appearing on the face of such bonds.

SEC. 2. Section 35975 of the Water Code is amended to read:

35975. After bonds have been delivered to the treasurer: Lien

(a) General obligation bonds and the interest thereon are, until paid, a lien on the land.

(b) Revenue bonds and the interest thereon are, until paid, a lien, as specified in the bonds and the proceedings authorizing their issuance, on the revenues obtained from the sale of water for irrigation of the land at charges fully sufficient to pay the principal of and the interest on the bonds as the same mature.

SEC. 3. Article 4 of Chapter 2, Part 6, Division 13 of said code is repealed. Repeal

SEC. 4. Section 36152 is added to said code, to read:

36152. General obligation bonds shall be investigated and certified in the same manner, by the same officers, and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts by the provisions of Division 10 of this code. General obligation bonds Certification

SEC. 5. Article 3 of Chapter 3, Part 6, Division 13 of said code is repealed and added, to read:

Article 3. Miscellaneous Provisions

36190. General obligation bonds shall be substantially in the following form: Form

Issue _____ No. _____ For value received, _____ Water District, which has its office situated in the County of _____, State of California, promises to pay the holder hereof at the office of the treasurer of the district, on the _____ day of _____, 19___, the sum of _____ dollars ($_____) in lawful money of the United States with interest at the rate of _____ percent per annum, payable at the office of the treasurer semiannually, on the _____ day of _____ and the _____ day of _____ in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued pursuant to an election held by the district on the _____ day of _____, 19___, authorizing its issuance, and by authority of the California Water District Law.

In witness whereof, the district, by its board of directors, has caused this bond to be signed by the president of the board

and attested by the secretary of the district, with the seal of the district attached, this _____ day of _____, 19___.

_____
President

Attest:

_____
Secretary

Payment

36191. General obligation bonds shall be payable in lawful money of the United States.

Numbering, date

36192. Each issue of general obligation bonds shall be numbered consecutively, and the bonds of each issue shall be numbered consecutively and bear the date of their issue.

Execution

36193. General obligation bonds shall be signed by the president and attested by the secretary.

Denomination

36194. General obligation bonds shall be of the denomination of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

Maturity date

36195. General obligation bonds shall be payable on the first day of January or the first day of July of the years designated by the board, but in no case shall the maturity of any bond be more than 40 years from its date.

Value

36196. Each general obligation bond shall be made payable at a given time for its full face value and not for a percentage thereof.

Accrual

36197. A general obligation bond shall be payable when due upon presentation and surrender thereof to the treasurer by the holder.

Interest

36198. General obligation bonds shall bear interest at a rate not in excess of 7 percent per annum.

Same Payment

36199. The interest on general obligation bonds shall be payable semiannually on the dates stated in the bonds at the office of the treasurer upon the presentation and surrender of the proper coupons.

Coupons Form

36200. The interest coupons shall be substantially in the following form:

No. _____

The treasurer of _____ Water District, State of California, will pay the holder hereof, on the _____ day of _____, 19___, at his office in _____, _____ dollars ($_____), in lawful money of the United States, out of the funds of _____ Water District for interest on bond numbered _____ of the district.

Attest:

_____
Secretary of _____ Water District

Same

36201. Coupons for each installment of interest shall be attached to the bonds, numbered the same as the bonds, and attested by the facsimile signature of the secretary.

SEC. 6. Sections 36303, 36304, and 36305 are added to said code, to read:

Redemption

36303. The board may, in the resolution authorizing the issuance of revenue bonds, provide that the bonds or any part thereof shall be subject to call and redemption before maturity, at the option of the district, at such price or prices as may be fixed in the resolution, not exceeding a premium of 6 percent of the par value of the revenue bonds so subject to redemption.

Same
Recital

36304. Revenue bonds issued subject to call and redemption prior to maturity shall contain a recital to that effect on the face of the revenue bonds, and no revenue bond shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

Same.
Notice

36305. The board in its resolution authorizing the issuance of revenue bonds shall fix the method of giving notice of redemption to the holders of revenue bonds to be redeemed and the price or prices at which the revenue bonds shall be subject to redemption.

SEC. 7. Article 3 of Chapter 4, Part 6, Division 13 of said code is repealed and added, to read:

Article 3. Miscellaneous Provisions

Revenue bonds, interest coupons

36340. Revenue bonds and interest coupons attached thereto shall be in such form as may be prescribed by the board.

36341. The face of each revenue bond shall state:

Security

(a) That the payment or redemption of the bond and the payment of the interest thereon is secured solely by a first and direct charge and lien upon all or the portion, as prescribed by the district by order or by contract, of the revenues received from the sale of water for the irrigation of the land.

(b) That neither the payment of all or any part of the principal or interest thereon is a general debt, liability, or obligation of the district.

(c) That the bond is subject to call and redemption prior to maturity, if the board has so provided.

Payment

36342. Revenue bonds shall be payable in lawful money of the United States.

Numbering, date

36343. Each issue of revenue bonds shall be numbered consecutively and the bonds of each issue shall be numbered consecutively from lower to higher as they mature and shall bear such date as may be prescribed by the board.

Date of issuance

36344. The date appearing upon the face of a revenue bond shall be deemed to be the date of issuance irrespective of the subsequent delivery of the bond.

Execution

36345. Revenue bonds shall be signed by the president and attested by the secretary, and interest coupons appertaining thereto shall be signed by the secretary.

Same:
Facsimile

36346. All the signatures on the bond or coupons may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of the signatures shall be manually affixed.

Seal

36347. The seal of the district may be affixed to the revenue bonds by mechanical reproduction thereof.

Signature of prior officer

36348. If any officer whose signature appears on any revenue bond or coupon ceases to be such officer of the district before the delivery of the bonds to the purchaser, his signature on the bond or coupon is valid and sufficient for all purposes with like force and effect as though he had remained in office until the actual delivery of the bonds and payment of the purchase price thereof.

Denomination

36349. Revenue bonds shall be of the denomination of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

Maturity

36350. Revenue bonds shall be payable at such time and place as may be designated by the board, but in no case shall the maturity of any bond be more than 40 years from its date.

Value

36351. Every revenue bond shall be payable at a given time for its entire amount and not for a percentage thereof.

Interest

36352. Revenue bonds shall bear interest at a rate not in excess of 6 percent per annum, payable annually or semiannually as may be prescribed by the board.

Validation

SEC. 8. Revenue bonds of any district now outstanding are hereby validated in the form in which the same have been issued and delivered and shall constitute valid and legally binding obligations of the district payable in accordance with the terms appearing on the face of such bonds.

Effect Stats 1951, Ch 390

SEC. 9. Sections 2 to 8, inclusive, of this act become operative only if Division 13 of the Water Code is enacted by the Legislature at its 1951 Regular Session, and in such case at the same time as said Division 13 takes effect, at which time Section 63 of the California Water District Act, as repealed and added by this act, is repealed.

Urgency

SEC. 10. This act is 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 go into immediate effect. The facts constituting such necessity are: Certain water districts are in need of water facilities necessary to provide irrigation for the current irrigating season for the protection of crops and to foster the production of food necessary for the public peace, health and safety. Certain of such districts can construct and acquire water distribution facilities only by the issuance of revenue bonds. Such revenue bonds, because of present inadequacies in the provisions relating to the form and execution thereof, cannot be sold. This act corrects such present inadequacies and makes possible the immediate authorization and sale of revenue bonds of such districts to supply funds for essential irrigation works and property necessary for the irrigation of lands contained in the districts now urgently needed for the immediate preservation of the public peace, health and safety. In order that the benefits of this act may be made available at the beginning of the irrigating season of the current calendar year, this act must be put into immediate effect.

CHAPTER 1757

An act to add Article 6, comprising Sections 20930 to 20934, inclusive, to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code, relating to the State Employees' Retirement System in respect to credit for service to local public agencies.

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Article 6, comprising Sections 20930 to 20934, inclusive, is added to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 6. Local Service

"Local service"

20930. As used in this article, "local service" means service rendered as an officer or employee of a public agency maintaining a locally administered retirement system for its officers and employees, for which service the officer or employee received compensation from the public agency, and with respect to which he does not continue to receive credit in the locally administered retirement system or in this system, under contract between the public agency and this system, after he becomes a member of this system.

Election

20931. Any member of this system who was in local service before entering state service has the right to elect, by written election filed with the board within one year after the effective date of this article or within one year after becoming a member of this system, whichever is later, to make contributions pursuant to Section 20932 for, and to receive credit in this system as state service for, all or any part of the time he was in local service. However, a member shall not receive credit as state service for any portion of his local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20932 for all of his local service constituting current service.

Same
Contribution

20932. Any member of this system who elects pursuant to Section 20931 to make contributions and receive credit as state service for all or any part of the time he was in local service shall contribute to the retirement fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for local service as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the retirement fund if he had been in state service during the time he was in local service and for which he has elected to receive credit for state service, computed by applying the rate of contribution first applicable to him upon commencement of his membership in this system to the monthly compensation first earnable by him at the time of

commencement of his membership multiplied by the number of months of local service for which he has elected to receive credit for state service and which will constitute current service under this system, (2) the contributions that would have been made by the State in respect to him if he had been in state service during the time he was in local service and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of state contribution with respect to members of his category at the time of commencement of his membership in this system to the monthly compensation first earnable by him at said time of commencement of his membership in this system multiplied by the number of months of local service for which he has elected to receive credit for state service and which will constitute current service under this system, and (3) the interest which would have accrued to such member contributions and such state contributions if they had been made on the date of commencement of membership of the member in this system, from that date until the completion of payment of those contributions, computed at the current interest rate.

At the time of his retirement a member shall not receive credit as state service for any local service in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member.

Credit

20933. Upon completion of contribution of the amount specified in Section 20932, the member shall be credited with state service in the amount of local service for which he has elected to receive credit as state service. The state service with which the member is so credited shall be credited as current service, or prior service, or both, as it would be credited if the member had been in the state service during the time he was actually in local service.

Effect of election

20934. The exercise by a member of the right of election specified in Section 20931 shall not require any public agency by which the member was employed before commencement of his membership in this system to make any contributions to this system.

CHAPTER 1758

Stats 1935, p 1226

An act to add Section 7.7 to the Unemployment Insurance Act, relating to agricultural labor.

In effect September 22, 1951

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 7.7 is added to the Unemployment Insurance Act, to read:

Agricultural labor

Sec. 7.7. Agricultural labor includes all services performed

Scope

(a) On a farm in the employ of any person:

(1) In connection with the preparation, care and treatment of farm land, including leveling for agricultural purposes, plowing, discing, and fertilizing the soil;

(2) In connection with the sowing and planting of any agricultural or horticultural commodity;

(3) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, irrigation, weed control, thinning, heating, fumigating, spraying, and dusting;

(4) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling (subject to the provisions of Section 7.3), field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, is included within the term "harvesting" as used in this subdivision;

(5) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision "assembly and storage" includes, but is not limited to, loading, roadsiding, banking, stacking, binning, and piling;

(6) In connection with the raising, feeding and management of livestock, poultry and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs and extracting honey.

(b) In the employ of the owner or tenant of a farm:

(1) In connection with the drying, processing, packing, packaging, handling, grading, storing, freezing, transporting to delivery point or point of first processing, and marketing of any agricultural or horticultural commodity the major part of which was produced by such owner or tenant.

(2) In connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment if the major part of such services are performed on a farm in connection with ordinary farming operations.

(3) The provisions of paragraphs (1) and (2) are not applicable with respect to services performed in connection with commercial canning or commercial freezing operations or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption, or to manufacturing or commercial operations as distinguished from ordinary farming operations.

(c) As used in this section, the term "farm" includes, among others, stock, dairy, poultry, fruit and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

CHAPTER 1759

An act to amend Section 5501 of the Welfare and Institutions Code, relating to the commitment of sexual psychopaths.

In effect September 22, 1951

[Approved by Governor July 25, 1951. Filed with Secretary of State July 25, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 5501 of the Welfare and Institutions Code is amended to read:

Hearing to determine sexual abnormality

5501. (a) When a person is convicted of any criminal offense, whether or not a sex offense, the trial judge, on his own motion, or on motion of the prosecuting attorney, or on application by affidavit by or on behalf of the defendant, if it appears to the satisfaction of the court that there is probable cause for believing such person is a sexual psychopath within the meaning of this chapter, may adjourn the proceeding or suspend the sentence, as the case may be, and may certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter. Conviction upon a charge of violation of Section 290 of the Penal Code by failure to register as required thereby is conviction of a criminal offense within the meaning of this subdivision.

(b) When a person is convicted of a sex offense involving a child under 14 years of age and it is a misdemeanor, and the person has been previously convicted of a sex offense in this or any other state, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter.

(c) When a person is convicted of a sex offense involving a child under 14 years of age and it is a felony, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a sexual psychopath within the meaning of this chapter.

When an affidavit is filed under (a) it shall be substantially in the form specified for the affidavit of mental illness in Section 5049 of this code except that the title and body of the affidavit shall refer to such person as "an alleged sexual psychopath" and shall state fully the facts upon which the allegation

that the person is a sexual psychopath is based. If the person is then before the court or is in custody, the court may order that the person be detained in a place of safety until the issue and service of a warrant of apprehension as provided by this chapter.

The judge or justice presiding in such court, whenever it is deemed necessary or advisable, may issue and deliver to some peace officer for service, a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination to determine whether the person is a sexual psychopath. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit if one was filed, the certification, and the warrant shall be personally delivered to the person and copies thereof shall also be delivered to the superior court to which the person was certified.

The warrant of apprehension shall be substantially in the form provided by Section 5050.1 of this code for the apprehension of a person alleged to be mentally ill.

CHAPTER 1760

An act to add Section 39 to the San Francisco Bay Area Metropolitan Rapid Transit District Act, as enacted by Chapter 1239 of the Statutes of 1949, relating to the establishment of a San Francisco Bay Area Rapid Transit Commission, and making an appropriation therefor.

[Approved by Governor July 25, 1951. Filed with Secretary of State July 26, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 39 is added to the San Francisco Bay Area Metropolitan Rapid Transit District Act, to read:

Sec. 39. There is hereby created the San Francisco Bay Area Rapid Transit Commission which shall be constituted as follows:

San Francisco Bay Area Rapid Transit Commission

(a) The San Francisco Bay Area Rapid Transit Commission shall be composed of 26 members, as follows: the Director of Public Works of the State of California; five representatives of the City and County of San Francisco, three appointed by the Governor and two appointed by the board of supervisors of the city and county; five representatives of the County of Alameda, three appointed by the Governor and two appointed by the board of supervisors of the county; three representatives of the County of Contra Costa, two appointed by the Governor and one appointed by the board of supervisors of the county; and two representatives of each of the following counties: Marin, Napa, Santa Clara, San Mateo, Solano, and Sonoma, one

from each county appointed by the Governor and one appointed by the board of supervisors of each county.

All members of the commission shall serve thereon without compensation, but shall receive necessary actual expenses incurred in the discharge of their duties. Vacancies occurring in the membership shall be filled by the appointing power.

(b) The commission shall elect a chairman, vice chairman, secretary, and treasurer.

(c) The commission may maintain an office and appoint and fix the salary of an executive secretary and such other employees as it shall deem necessary to carry out provisions of this section. These employees may be removed from office at the discretion of the commission. The commission may contract with such persons, groups, and agencies, public and private, for services necessary to carry out its duties and responsibilities under this section. The commission shall make the fullest possible use of all facilities of state, county, city and other governmental agencies which may be available to it with the objective of operating as economically as efficiency will permit.

(d) The commission shall study and investigate the rapid transit problems in the San Francisco Bay area. It shall aid governmental bodies in the various cities and counties in the area in investigating their interurban and local transit needs, present and future, and in combining their findings and proposals with those of other cities and counties in the area; in furnishing engineering, planning, and other technical assistance where not available; in correlating the findings and, with the aid of qualified engineers, fiscal experts, and local representatives, in developing a master, coordinated rapid transit plan, including an estimate of the cost of construction and of necessary lands, equipment and facilities.

(e) The commission may appoint committees from its membership and from other interested public and private groups.

(f) The commission may accept contributions and appropriations from any public agency.

(g) The commission shall, within 15 days after the commencement of the 1953 Regular Session, report to the Legislature the results of its investigation and study and its conclusions and recommendations.

(h) The existence of the commission shall terminate December 31, 1953, unless the commission, by a two-thirds vote, shall, on or before September 30, 1953, pass a resolution declaring that public welfare and convenience require that the life of the commission be extended to a date not later than December 31, 1955. In any event, the commission shall cease to exist on December 31, 1955.

Appropriation

SEC. 2. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of fifty thousand dollars ($50,000) to be expended by the commission in accordance with the provisions of this act.

CHAPTER 1761

An act to add Section 1556.1 to, and to amend Section 1557 of, the Labor Code, relating to employment agencies.

[Approved by Governor July 25, 1951. Filed with Secretary of State July 26, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 1556.1 is added to the Labor Code, to read:

1556.1. Nothing in this chapter shall include a nonprofit organization or corporation which has been formed in good faith for the promotion and advancement of the general professional interests of its members and which maintains a placement service principally engaged in securing employment for such members with the State or any county, city, district or other public agency under contracts providing employment for one year or longer, or any organization or corporation exempted by Section 1556.

Exemption Nonprofit placement services

SEC. 2. Section 1557 of said code is amended to read:

1557. Any organization or corporation charging membership fees or dues and engaged in furnishing employment to its members shall, in order to be exempt under Sections 1556, 1556.1 and 1557, file on or before the first day of April of each year with the Labor Commissioner, a copy of its by-laws and constitution, together with a sworn statement setting forth:

Same Procedure to obtain

(a) The place of business.

(b) The names and addresses of officers, directors, and employees and the salaries they receive.

(c) The various benefits furnished to members.

(d) The membership and placement fees and dues charged or collected by such organization or corporation from its members.

CHAPTER 1762

An act to add Section 52.6 to the Unemployment Insurance Act, relating to the computation and payment of benefits.

Stats. 1935, p. 1226 amended

[Approved by Governor July 25, 1951. Filed with Secretary of State July 26, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. Section 52.6 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 52.6. Benefit award computations shall be based on wages paid in the base period as defined in Section 6 (r) of this act. On and after January 1, 1952, any wages paid prior to the filing of a valid claim and not used in the computation of the award may be used for the purpose of computing the amount

Benefit award computations

of any other award only if within the 12-month period following the date of the filing of said valid claim the individual was paid sufficient wages to meet the eligibility requirements of Section 53 of this act The provisions of this section shall not be applicable to the computation of an award for unemployment compensation disability benefits; however, the establishment of a valid claim for unemployment compensation disability benefits shall not constitute a valid claim for unemployment compensation benefits unless the claimant has sufficient wages to entitle the claimant to an award under the provisions of this section.

CHAPTER 1763

An act to add Section 261a.8 to the Code of Civil Procedure, relating to phonographic reporters and fees payable to county clerks in connection with court proceedings.

In effect September 22, 1951

[Approved by Governor July 25, 1951. Filed with Secretary of State July 26, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Section 261a 8 is added to the Code of Civil Procedure, to read:

San Diego County Phonographic reporters, fees

261a.8. In each county or city and county, having a population of 300,000 inhabitants and less than 700,000 inhabitants, as determined by the 1950 federal census, the judges of the superior court in and for such county, or city and county, a majority concurring, to assist the court in the transaction of the judicial business of said court, by having performed the duties of phonographic reporters as elsewhere in this code defined, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in said court and to perform such duties, except that the number of reporters so appointed shall not exceed at any one time the number of offices of judge provided by law for said court, said reporters to hold office during the pleasure of the judges of said court, a majority concurring

When needed in order that the judicial business of the superior court in such county, or city and county, may be diligently carried on and a particular matter or matters may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter or matters, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge presiding in the department where such reporter will serve, but when such appointment is made for service in a contested matter, it shall be

made only pursuant to a written stipulation of the parties appearing at the trial or hearing or other proceeding to be reported by such pro tempore reporter. Same

The salary of the regular official phonographic reporters shall be the sum of seven thousand two hundred dollars ($7,200) per annum, and the compensation of official phonographic reporters pro tempore shall be at the rate of twenty-five dollars ($25) per day.

No further fee than that hereinabove provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees now, or that may hereafter be, allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcription shall be paid as provided by Section 274 of the Code of Civil Procedure and by any other law of this State pertinent to the case.

The salaries in this section provided shall be paid in monthly installments out of the salary fund of the county, or city and county, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited.

In addition to a fee or fees required by any other law or laws, a fee of four dollars ($4) shall be paid to the county clerk of such a county, or city and county, by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 of the Government Code requires such party or parties to pay said clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Section 26822 to 26825, inclusive, of the Government Code requires such party or parties to pay said clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 of the Government Code requires such party or parties to pay said clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but one such additional fee of four dollars ($4) as in this section provided.

(4) Where Section 26827 of the Government Code requires such party or parties to pay said clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

The fee so required shall be taxed as costs in favor of any party paying the same and to whom costs are awarded by the

judgment of the court. Such fee shall not be subject to the provisions of Section 6103 of the Government Code.

The fee provided in this section shall not be required of any party who is exempted from the payment of costs by any statute other than Section 6103 of the Government Code.

The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer, or city and county treasurer, all moneys paid to him under the provisions of this section during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such moneys, and such moneys shall be deposited in the salary fund of said county, or city and county.

CHAPTER 1764

Stats 1935, p 1123, amended

An act to provide for the interchangeable use of single-trip beer cartons and to add Section 53 55 to the Alcoholic Beverage Control Act, relating to use of cartons.

In effect September 22 1951

[Approved by Governor July 26, 1951 Filed with Secretary of State July 26, 1951]

The people of the State of California do enact as follows:

SECTION 1. Section 53.55 is added to the Alcoholic Beverage Control Act, to read as follows:

Corrugated paper cartons

Sec. 53.55. The provisions of Section 53.5 with respect to corrugated paper cartons commonly known as single-trip cartons and used as a package for beer shall apply during the continuation of hostilities in any wars in which the United States may become engaged, except during such time as the manufacturers respecting the major part of the production of beer in California during the calendar year next preceding the filing of the petition mentioned herein shall file with the board a petition stating a sufficient supply of such corrugated paper cartons is not available to the California brewing industry to permit compliance with said Section 53 5 in connection with such containers or cartons and said board shall upon hearing find the facts of such petition to be true and such finding shall remain standing and unrevoked. The board shall record in its records its decision and conclusion on such petition. Manufacturers' names or brand names or print or markings first placed on returnable beer containers or cartons made of wood or fibre board shall not be obliterated, mutilated or marked out without the written consent of the manufacturer whose name or brand or printed markings is to be obliterated, mutilated or marked out; provided, that this sentence shall not apply to wood or fibre board containers or cartons of a beer manufacturer who has discontinued business and production and is no longer a licensed beer manufacturer.

CHAPTER 1765

An act providing for the constitution of the municipal court established in the City of Pasadena and in a district embracing the City of Pasadena, and prescribing the number and compensation of the judges, officers and attaches thereof.

[Approved by Governor July 26, 1951. Filed with Secretary of State July 26, 1951.]

In effect September 22, 1951

The people of the State of California do enact as follows:

SECTION 1. The municipal court established in the City of Pasadena and in a district embracing the City of Pasadena shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

City of Pasadena municipal court Salaries

(a) There shall be three judges, each of whom shall receive thirteen thousand five hundred dollars ($13,500) per annum, payable in equal monthly installments;

(b) There shall be one clerk, to be appointed by the judges of the court, who shall receive six hundred sixty dollars ($660) monthly;

(c) The clerk may appoint the following attaches, whose positions and compensation shall be as follows:

One chief deputy clerk, who shall receive five hundred dollars ($500) monthly;

Three deputy clerks who shall be court clerks, and each of whom shall receive four hundred dollars ($400) monthly;

Four deputy clerks, each of whom shall receive three hundred fifty dollars ($350) monthly;

Eight deputy clerks, each of whom shall receive three hundred dollars ($300) monthly;

Four deputy clerks, each of whom shall receive two hundred seventy-five dollars ($275) monthly;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive six hundred sixty dollars ($660) monthly;

(e) The marshal may appoint the following:

One chief deputy marshal who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of four hundred eighty-nine dollars ($489) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly, with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20), to a maximum of three hundred seventy-five dollars ($375) monthly;

Three deputy marshals, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly, with annual increments of fifteen dollars ($15), sixteen dollars

Same

($16), eighteen dollars ($18), and eighteen dollars ($18), to a maximum of three hundred fifty-five dollars ($355) monthly;

One deputy marshal who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16), to a maximum of three hundred nineteen dollars ($319) monthly;

Two deputy marshals, each of whom shall receive a minimum salary of two hundred forty-six dollars ($246) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15), to a maximum of three hundred three dollars ($303) monthly;

Ten deputy marshals (custodians) at the fee allowed by law for keeping property.

(f) Wherever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. However, in order to equalize the work of the offices of the clerk and marshal, and to render fast and efficient service to the public, it shall be the duty of each deputy clerk and each deputy marshal to perform such services in their respective offices, as may be directed by the clerk or marshal, whether the work so directed to be done be within the scope of the special designation or not.

(g) Persons employed in the service on the effective date of the amendment to this section shall receive credit for prior service in the justice's court, police court or municipal court of the city and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with years of prior service up to the maximum rate set. Changes of title created in establishing the municipal court shall not detract from said years of prior service.

(h) The annual increments shall be dependent upon the employee maintaining the minimum efficiency rating designated by the appointing authority and at any time the efficiency rating falls below the minimum standard the appointing authority shall have the power to suspend all or any part of the annual increments.

Additional judges

SEC. 2. The additional judge provided for herein shall be appointed by the Governor within 30 days after the effective date of this act.

Effect Stats 1951, Ch 1419

SEC. 3. The salary provided in Section 1, subdivision (a) of this act shall not become effective for any purpose if Assembly Bill No. 1463 is enacted at this session of the Legislature and becomes law.

Same

SEC. 4. Subdivisions (d), (e), (f), (g), and (h) of Section 1 of this act shall not become operative if Assembly Bill No. 1464 of the 1951 Regular Legislative Session is enacted into law.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS
REGULAR SESSION
1951

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1951 Regular Session of the Legislature

CHAPTER 1

Senate Concurrent Resolution No. 5—Approving a certain amendment to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 13, 1951.]

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 Diego a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to-wit: City of San Diego Charter amendment

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

We, the undersigned, Harley E. Knox, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows: Certificate

The City of San Diego, a municipal corporation of the County of San Diego, State of California, now, and at all times herein mentioned, was a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, 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 Section 8, of Article XI of the Constitution of the State of California, and which charter was duly ratified by the qualified electors of said City at the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and 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 San Diego, being the legislative body thereof, on its own motion, by Ordinance No.

Certificate

4547 (New Series), passed and adopted by said Council on the 19th day of September, 1950, duly proposed to the qualified electors of The City of San Diego a certain amendment to the charter of said City, designated as Proposition No. 1, and ordered said proposed charter amendment to be submitted to said qualified electors at the municipal special election called and held in said City on the 7th day of November, 1950.

That said Council by its Resolution No. 99300, adopted August 31, 1950, requested that said Municipal Special Election be consolidated with the special State-wide election to be held on the same date, and that the Board of Supervisors of the County of San Diego canvass the returns of said municipal special election; and the said Board of Supervisors, by its resolution adopted on the 2nd day of October, 1950, ordered the consolidation of said municipal election with the special State-wide election to be held on said 7th day of November, 1950.

That the said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 4th day of October, 1950, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendment 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, as required by law.

That said proposed amendment was submitted, pursuant to the provisions of said Ordinance No. 4547 (New Series) to the qualified electors of said City at the municipal special election held in said City on the 7th day of November, 1950.

That upon the completion of the canvass of said municipal special election, the County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, filed in the office of the City Clerk of The City of San Diego a certificate of the result thereof, as declared by resolution of the Board of Supervisors of the County of San Diego adopted on the 4th day of December, 1950.

That said proposed amendment to the Charter of The City of San Diego, designated as Proposition No. 1, was ratified by a majority of the qualified electors of said City voting thereon.

That as to the said amendment to the Charter of The City of San Diego 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.

That the proposed amendment to the Charter of The City of San Diego which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Amend Section 105 of the Charter of The City of San Diego to read as follows:

"SECTION 105. Plenary control over all primary and secondary uses of its streets and other public places is vested in the City. Franchises may be granted upon such terms, conditions, restrictions or limitations as may be prescribed by ordinance. Every ordinance granting a franchise shall provide that the grantee therein named, as consideration for such grant, shall pay compensation to the City in an amount and in the manner set forth in said ordinance." Control of street use

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 4th day of January, 1951.

(SEAL)

HARLEY E. KNOX
Mayor of The City of San Diego, California

FRED W. SICK
City Clerk of The City of San Diego, California

WHEREAS, Said proposed charter amendment 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; now, therefore, be it

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 amendment to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, 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 the City of San Diego. Approval

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CHAPTER 2

Senate Concurrent Resolution No. 6—Approving a certain amendment to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by

the qualified electors of said county at a general election held therein on November 7, 1950.

[Filed with Secretary of State January 13, 1951.]

San Diego County Charter amendment

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July, 1933, organized and acting under and by virtue of a freeholders' 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 a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the Office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution and order adopted on September 25, 1950, duly propose to the qualified electors of said County of San Diego, an amendment to the charter of said county, designated as Amendment A to the Charter of the County of San Diego, and consisting of the amendment of Sections 13 and 14 of and the addition of a new Section 18.1 to Article IV of said charter, and ordered that said amendment be submitted to said qualified electors of said county at a general election to be held in said county on November 7, 1950, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed Amendment A to the Charter of the County of San Diego was published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in the said county, on September 27, 28, 29 and 30 and October 1, 2, 3, 4, 5 and 6, 1950; and

WHEREAS, Said general election was held in said County of San Diego on November 7, 1950, which said day was not less than 30 days and not more than 60 days after said proposed amendment to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 7, 1950, at which said election said proposal was duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the county clerk and ex officio registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on November 30, 1950, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 7, 1950, said proposed Amendment A to the Charter of the County of San Diego, was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of San Diego is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and is in words and figures as follows, to wit:

AMENDMENT A TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 13 and 14 of Article IV of said charter be amended and that a new Section 18.1 be added to said Article IV to read as follows:

Elective County Officers

Section 13: The Elective County Officers, other than members of the Board of Supervisors, shall be:

Assessor;
Coroner and Public Administrator;
County Clerk;
District Attorney and County Counsel;
Recorder;
Sheriff;
Members of the County Board of Education;
Tax Collector;
Treasurer;

each of whom shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law. The Tax Collector shall be ex-officio License Collector. The County Clerk shall be ex-officio Clerk of the Superior Court and Clerk of the Board of Supervisors. The Coroner shall be ex-officio Public Administrator.

Appointive County Officers

Section 14: The Appointive County Officers shall be:

Agricultural Commissioner;
Auditor and Controller;
Board of Law Library Trustees (members of);
County Surveyor and Road Commissioner;
Fish and Game Warden;
Livestock Inspector;
Probation Officer;
Purchasing Agent;
Registrar of Voters;
Sealer of Weights and Measures;
Superintendent of Schools.

Such other officers as are now or may hereafter be required by law shall also be appointive.

Registrar of Voters

Section 18.1: There is hereby created the office of Registrar of Voters. The Board of Supervisors shall be the appointing authority for the Registrar of Voters. On the effective date

of this amendment all personnel in the office of the County Clerk who have been performing duties relative to elections shall be transferred to the office of the Registrar of Voters without diminution in salary or loss of rights or benefits to which they were entitled in the office of the County Clerk; and on said effective date the deputy County Clerk then serving in the position entitled Registrar of Voters shall be and become the Registrar of Voters.

STATE OF CALIFORNIA } ss.
COUNTY OF SAN DIEGO }

Certificate

We, the undersigned, James A. Robbins, Chairman of the Board of Supervisors of the County of San Diego, State of California, and T. H. Sexton, County Clerk and ex officio clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 7, 1950, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors, as hereinbefore set forth, and 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 amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 27th day of December, 1950.

JAMES A. ROBBINS
(SEAL) Chairman of the Board of Supervisors of the County of San Diego, State of California

T. H. SEXTON
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

Attest:
T. H. SEXTON
County Clerk of the County of San Diego, State of California
(SEAL)

WHEREAS, Said proposed amendment to the charter of the county of San Diego, so ratified by a majority of the electors voting thereon at said general election held on November 7, 1950, has 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

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 amendment to the charter of the County of San Diego, as proposed by the board of supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as a part of, the charter of the County of San Diego. Approval

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CHAPTER 3

Senate Concurrent Resolution No. 1—Relative to the creation of a Special Joint Committee to Study the Anticross-Filing Initiative Measure.

[Filed with Secretary of State January 13, 1951.]

WHEREAS, Pursuant to Section 1 of Article IV there has been submitted to the Legislature an initiative measure entitled Special Joint Legislative Committee to Study the Anticross-Filing Initiative Measure

"An act to prohibit cross filing and to prevent any person from becoming a candidate or nominee of any political party unless he has been continuously registered as a member of that party for at least three months immediately prior to filing of nomination papers for the office he seeks and to invalidate any law in conflict with this act;" and

WHEREAS, That measure must be either enacted or rejected without change by the Legislature within 40 days from the time of its receipt by the Legislature; and

WHEREAS, It is necessary that the measure be carefully studied and analyzed and that its prospective effect upon the existing laws, and welfare, of this State be ascertained in order that the Legislature may intelligently carry out its function of enacting or rejecting the measure or proposing an alternate measure on the same subject to the people; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Special Joint Committee to Study the Anticross-Filing Initiative Measure is hereby created.

2. The committee shall study and analyze the initiative measure mentioned in the recitals of this resolution, and shall ascertain, study and analyze all facts relating to or in any manner affecting or bearing upon the benefits or detriment to the public welfare which would or might result from the enactment or rejection of such measure, or upon the desirability or public necessity for proposing an alternate measure to the people.

3. The committee shall consist of seven members of the Senate appointed by the Committee on Rules thereof and seven members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership shall be filled by the appointing power.

4. The committee may act during this session of the Legislature, and reports shall be made to the Senate and Assembly not later than the date set for adjournment for the constitutional recess.

5. The committee and its members shall have and exercise all of the rights, powers and duties conferred or imposed upon standing committees of the Senate and Assembly and their members by the provisions of the Standing Rules of the Senate and of the Assembly as they are adopted and amended from time to time at this session.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

The committee shall select a chairman and vice chairman from its membership.

6. The members of the committee from each of the houses of the Legislature shall present their separate reports and recommendations to the house of which they are members.

CHAPTER 4

Senate Concurrent Resolution No. 2—Relative to the creation of a Special Joint Committee to Study the Old Age Assistance Initiative Measure.

[Filed with Secretary of State January 13, 1951.]

Special Joint Committee to Study the Old Age Assistance Initiative Measure

WHEREAS, Pursuant to Section 1 of Article IV there has been submitted to the Legislature an initiative measure entitled "Old Age Assistance. Initiative to the Legislature. An act to amend and enact sections of the Welfare and Institutions Code, all relating to old age security; establishes adequate and uniform provisions for the needs of the aged as a matter of state-wide concern; relieves county taxpayers of all costs by providing for direct state administration and financing thereof; the disposition of property used in the administration thereof; makes an appropriation; increases in the amount thereof, and necessary health and funeral expense benefits for recipients thereof; modifies the property qualifications for eligibility therefor, and absolves relatives of mandatory contributions," and

WHEREAS, That measure must be either enacted or rejected without change by the Legislature within 40 days from the time of its receipt by the Legislature; and

WHEREAS, It is necessary that the measure be carefully studied and analyzed and that its prospective effect upon the existing laws, financial structure, and welfare, of this State be

ascertained in order that the Legislature may intelligently carry out its function of enacting or rejecting the measure or proposing an alternate measure on the same subject to the people; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Special Joint Committee to Study the Old Age Assistance Initiative Measure is hereby created.

2. The committee shall study and analyze the initiative measure mentioned in the recitals of this resolution, and shall ascertain, study and analyze all facts relating to or in any manner affecting or bearing upon the benefits or detriment to the public welfare which would or might result from the enactment or rejection of such measure, or upon the desirability or public necessity for proposing an alternate measure to the people.

3. The committee shall consist of seven members of the Senate appointed by the Committee on Rules thereof and seven members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership shall be filled by the appointing power.

4. The committee may act during this session of the Legislature, and reports shall be made to the Senate and Assembly not later than the date set for adjournment for the constitutional recess.

5. The committee and its members shall have and exercise all of the rights, powers and duties conferred or imposed upon standing committees of the Senate and Assembly and their members by the provisions of the Standing Rules of the Senate and of the Assembly as they are adopted and amended from time to time at this session.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

The committee shall select a chairman and vice chairman from its membership.

6. The members of the committee from each of the houses of the Legislature shall present their separate reports and recommendations to the house of which they are members.

CHAPTER 5

Assembly Concurrent Resolution No. 2—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 seventh day of November, 1950.

[Filed with Secretary of State January 15, 1951]

City of Long Beach Charter Amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, 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 7TH DAY OF NOVEMBER, 1950, 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, BURTON W. CHACE, Mayor of the City of Long Beach, and CLYDE G. ROSEBERRY, 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 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 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921 (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach three (3) amendments to the charter of said City, and directed that said proposals of amendment should thereafter be respectively designated in appropriate alphabetical order on the ballots to be used at said election in accordance with the requirements of Section 3831 of the Elections Code of the State of California, 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 7th day of November, 1950; and

That said proposed amendments were thereafter respectively designated as Propositions "Q," "R," and "S" and were on September 14, 1950, duly published in the Long Beach Independent and in each edition thereof during said date 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 Certificate

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-2947, order the holding of a special municipal election in said City of Long Beach on the 7th day of November, 1950, 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 25th, 26th and 27th days of October, 1950, 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 in said ordinance, said special municipal election was ordered consolidated with the State General Election held on said day, and the Board of Supervisors of the County of Los Angeles was authorized to canvass the returns of said special municipal election; and

That said special municipal election was held in said City of Long Beach on the 7th day of November, 1950, 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 thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters of said County, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 28th day of November, 1950, duly certified to the City Council the result of said special municipal election as determined from the canvass of the returns thereof; and

That the City Council did, by resolution adopted on the 5th day of December, 1950, duly declare the results of said special municipal election and did 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 each of said proposed amendments; 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 and ratified each of said proposed charter amendments and duly ratified the same; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

CHARTER AMENDMENT PROPOSITION Q

That the Charter of the City of Long Beach be amended by amending Sections 1a, 38a and 39 thereof to read, respectively, as follows:

City Districts

Sec. 1a. The number of political subdivisions, known as districts, into which the City of Long Beach may be divided is hereby fixed at nine (9). Whenever any territory shall be hereafter annexed to the City of Long Beach, the Planning Commission of said City shall ascertain the number of inhabitants in such annexed territory and report thereon to the City Council; if such report shows that such annexed territory contains less than ten thousand (10,000) inhabitants, the City Council shall, by ordinance, alter the boundaries of existing districts so as to include such annexed territory in one or more existing districts adjoining such annexed territory; if such report shows that such annexed territory contains ten thousand (10,000) or more inhabitants, the Planning Commission of said City shall ascertain the number of inhabitants of each existing district and report thereon to the City Council, and the City Council shall, by ordinance, redistrict the City into nine (9) districts, each having approximately an equal number of inhabitants. During the year 1955, and at intervals of five (5) years thereafter, the Planning Commission of said City shall ascertain the number of inhabitants in each of said districts and report thereon to the City Council; if such report shows that said districts are not approximately equal in number of inhabitants, the City Council shall, by ordinance, redistrict the City into nine (9) districts, each having approximately an equal number of inhabitants. All members of the City Council in office at the time of any such alteration of the boundaries of districts or any redistricting of the City shall continue in office until their successors shall be appointed or elected and qualified.

City Council

Sec. 38a. There is hereby created a City Council, consisting of nine (9) members, one from each of the districts of the City of Long Beach. The City Council shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the City.

Same
Election of members

Sec. 39. The City Council shall be elected on a general ticket, as provided in this Charter, and, except as provided in Section 65a hereof, and after the first Monday after the first day of July, 1948, shall serve a term of three (3) years, beginning on the first Monday after the first day of July after

their elections, and until their successors are elected and qualified. Absence from five (5) consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member so absent. Whenever a vacancy in the City Council shall occur, such vacancy shall be filled at a special election to be called for that purpose. Said election shall be held in the district for which the councilman is to be elected and shall be called within thirty (30) days after the occurrence of such vacancy. Said election shall be held within ninety (90) days after the occurrence of such vacancy, unless the same shall occur within ninety (90) days of a primary nominating election provided for in Section 65a of this Charter, in which event such vacancy shall be filled by the City Council. Such special election shall be held within such district in the manner to be provided by the City Council by ordinance.

CHARTER AMENDMENT PROPOSITION R

That the Charter of the City of Long Beach be amended by amending Section 55b thereof to read as follows:

Sec. 55b The City Council shall fix the salary of the City Attorney at a sum not less than Nine Thousand Dollars ($9.000.00) per annum. In the event of the failure or refusal of the City Council to fix such salary, the City Attorney shall receive as compensation for his services the sum of Nine Thousand Dollars ($9,000.00) per annum. Salary of City Attorney

CHARTER AMENDMENT PROPOSITION S

That the Charter of the City of Long Beach be amended by amending Section 55a thereof to read as follows:

Sec. 55a. The City Council shall fix the salary of the City Auditor at a sum not less than Four Thousand Two Hundred Dollars ($4,200.00) per annum. In the event of the failure or refusal of the City Council to fix such salary, the City Auditor shall receive as compensation for his services the sum of Four Thousand Two Hundred Dollars ($4,200.00) per annum. Salary of City Auditor

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, Burton W. Chace, Mayor, as aforesaid, and Clyde G. Roseberry, 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 28th day of December, 1950.

BURTON W. CHACE
(SEAL) Mayor of the City of Long Beach
C. G. ROSEBERRY
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, Article XI, of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That 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 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 Long Beach.

CHAPTER 6

Assembly Concurrent Resolution No 3—Approving four certain amendments to the charter of the City of Burbank, State of California, ratified by the electors of said city at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 15, 1951.]

City of Burbank Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of four certain amendments to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF FOUR CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF BURBANK

Certificate

We, the undersigned, FLOYD J. JOLLEY, President of the Council of the City of Burbank, and ADDIE J. JONES, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108). Certificate

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Ordinance No. 1069, adopted on the 19th day of September, 1950, duly proposed to the qualified electors of the City of Burbank eight amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7 and 8, respectively, and ordered the said eight charter amendments to be submitted to the qualified electors of said city at a Special Municipal Election to be held in said city on the 7th day of November, 1950.

That each of said eight proposed charter amendments was, on September 25, 1950, published and advertised in the Burbank Review, 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 City Council did by said ordinance No. 1069, which was duly adopted on September 19, 1950, order the holding of a Special Municipal Election in the City of Burbank, on the 7th day of November, 1950, and that by said ordinance the said Special Municipal Election was duly and regularly consolidated with the General State Election to be held on said date, for the purpose of submitting said eight proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, which said ordinance was duly published in said newspaper in accordance with the provisions of the charter of said city; and that said City Clerk of the City of Burbank did, on September 29, 1950, publish in said newspaper a Notice of said Election, according to law, and did on September 29, 1950, and October 2, 1950, publish in said newspaper Notice of Measures to be voted on, according to law.

The said Special Municipal Election was held in said City of Burbank on the 7th day of November, 1950, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eight proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That in accordance with the provisions of the law in such cases made and provided, the Board of Supervisors of the County of Los Angeles caused the Registrar of Voters of said County to canvass and said Registrar of Voters did duly and regularly canvass the returns of said election and on the 28th day of November, 1950, did certify the results of said canvass to the City Council of the City of Burbank, and on the 26th day of December, 1950, the said City Council did duly find, determine and declare the result of said Special Election, as determined from the canvass of the returns therefor aforesaid.

That, as found, determined and declared by Resolution No. 6588, at said Special Municipal Election said proposed amendments to the Charter of the City of Burbank designated Charter Amendments Numbers 1, 2, 3 and 4, respectively, and each of them, received less than a majority of the votes of the qualified electors voting thereon and said four charter amendments were not ratified;

That, as found, determined, and declared by said Resolution No. 6588, at said special municipal election said proposed amendments to the Charter of the City of Burbank designated Charter Amendments Numbers 5, 6, 7 and 8, respectively, and each of them, were ratified by a majority of the qualified electors of said city voting thereon;

That the said four amendments to the Charter of the City of Burbank ratified by the qualified electors thereof, are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 5

Section 34 of the City Charter of the City of Burbank, California, is hereby amended to read as follows:

"Library Department

Library Department, Trustees

"Section 34. There shall be a Library Department and a Board of Library Trustees, the number and terms of the members of which and the powers and duties of which shall be prescribed by ordinance."

CHARTER AMENDMENT NO. 6

The City Charter of the City of Burbank, California, is hereby amended in the following particulars, to wit:

(a) Section 36 of said City Charter of the City of Burbank, California, is hereby amended to read as follows:

"Park and Recreation Department

Park and Recreation Department, Board

"Section 36. There shall be a Park and Recreation Department and a Park and Recreation Board, referred to in Section 4 of this Charter as the Park Commission, the number and terms of the members of which and the powers and duties of which shall be prescribed by ordinance."

(b) Section 37 of the City Charter of the City of Burbank, California, is hereby repealed.

(c) Subdivision (J) of Section 10 of the City Charter of the City of Burbank is hereby amended to read as follows:

"(J) To be the executive officer of the Park and Recreation Department and under direction of the Park and Recreation Board to have general supervision over all public parks and playgrounds of the City."

CHARTER AMENDMENT NO. 7

Section 46 of the City Charter of the City of Burbank, California, is hereby amended to read as follows:

"PAYMENT OF CITY MONEYS

"Section 46. Notwithstanding any other provisions of this Charter, demands against the city shall be presented, numbered and allowed or disallowed and warrants shall be numbered, dated, issued and signed as prescribed by ordinance. No demand shall be allowed, approved, audited or paid unless it shall specify each item of the claim and the date thereof." Payment of city moneys

CHARTER AMENDMENT NO. 8

The last paragraph of Section 5, of the City Charter of the City of Burbank, California, is hereby amended by the addition thereto of a sentence reading as follows:

"Members of the Council shall not hold any other elective public office to which compensation is attached, and the acceptance of any such office or employment shall be deemed a resignation as Councilman." Councilmen. Other offices

That the foregoing four amendments to the charter of said City of Burbank, submitted to and ratified by the electors of said city at a Special Municipal Election held therein on the 7th day of November, 1950, have been compared by us and each of us, with the original proposals set forth in the resolutions 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 Burbank to be affixed this 27th day of December, 1950.

FLOYD J. JOLLEY
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES
City Clerk of the City of Burbank

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, 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 Burbank, 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 Burbank.

CHAPTER 7

Assembly Concurrent Resolution No. 6—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 15, 1951]

Legislative Counsel

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 8

Assembly Concurrent Resolution No. 7—Relative to the continuance of joint committees.

[Filed with Secretary of State January 16, 1951]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

Continuance of joint committees

1. Each joint committee previously created by the Assembly and Senate of California acting concurrently and in existence on January 7, 1951, is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session Vacancies occurring or existing in the membership of each committee shall be filled by the appointing power.

2. Each such committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to each committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to each such committee and the members thereof.

4. The unexpended balance of the money heretofore made available to each such committee continued by this resolution shall continue to be available for the expenses of the committee to which it was heretofore available and the members thereof and for any charges, expenses, or claims each such committee may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 9

Assembly Joint Resolution No. 1—Relating to aid to our enemy.

[Filed with Secretary of State January 16, 1951]

Shipments of rubber to Chinese Red Government

WHEREAS, Through the medium of the American press, the people of America have had their attention directed to the fact that for many months immense quantities of rubber have been consigned to Soviet Russia, mainly from British Malaya, thence to the Chinese Red Government, and that some cargoes have even been transshipped from England under licenses of the Board of Trade, which is a section of the British Government; and

WHEREAS, These shipments are being made in the hours of our bleakest and blackest critical moments during our war in Asia with the full knowledge of the British Government, and especially at a time when natural rubber is becoming scarce and costly in America, and while we at this very moment are reactivating our synthetic rubber plants in order to stockpile for national defense; and

WHEREAS, Recognition of the Chinese Red Government by any nation currently a member of the United Nations, in supplying war materials to our foes, either directly or indirectly, is a betrayal of America, which on all other occasions has made the sacrifice of life, limb, and property to make this world a peaceful place in which to live; and

WHEREAS, While over 50,000 members of our armed forces are already listed out of Washington as being casualties of this dreadful aggression in North Korea, we find that Great Britain, although a member of the United Nations, is still supplying rubber to the ruthless enemy which, given the opportunity, would take over their country in the same manner that they have already succeeded in conquering and taking over other small nations; 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 respectfully memorializes President Truman and the Congress of the United States to petition the British Government to refrain from supplying rubber to the Chinese Red Government, and also petitions the United Nations to go on record

to refrain from giving aid of any nature whatsoever to the Chinese Red Government, or to any nation which supplies help to the Chinese Red Government; and be it further

Resolved, That copies of this resolution be forwarded to the President of these United States, Harry S Truman, to the United States Senate, to the House of Representatives, and to the chairman of the congressional delegation from California.

CHAPTER 10

Senate Joint Resolution No. 1—Relating to the Central Arizona Project.

[Filed with Secretary of State January 17, 1951.]

Central Arizona Project

WHEREAS, There is pending before the Congress of the United States a bill which would authorize construction of the Central Arizona Reclamation Project; and

WHEREAS, No provision is made for payment by the project of any part of the interest on the national debt, which would be incurred to construct the project; and

WHEREAS, The Secretary of the Interior has reported that he estimates the cost of the project at $708,000,000 and the time for the recovery of the principal at 75 years and, therefore, that the project would cost the taxpayers of the United States for interest alone, at 2½ percent per annum, in excess of two billion dollars ($2,000,000,000); and

WHEREAS, The taxpayers of California would be required to pay in excess of one hundred seventy-two million dollars ($172,000,000) of such interest; and

WHEREAS, The Central Arizona Project is designed to provide irrigation at exorbitant cost to grow common field crops, with the result that additional taxes would be required to pay government subsidies on such crops and such project would not, therefore, enhance the national welfare; and

WHEREAS, The Central Arizona Project would require the use of 1,500,000,000 kilowatt-hours of hydroelectric power annually (the equivalent to the use of 2,500,000 barrels of fuel oil) to pump irrigation water to a height of 1,000 feet, and such use would be an economic waste of an urgently needed public resource; and

WHEREAS, The construction cost of the irrigation features of the project alone would be many times the value of the land, when irrigated and the irrigators would not repay any part of such construction cost; and

WHEREAS, Such Central Arizona Project is, therefore, economically unsound; and

WHEREAS, Sufficient water for such Central Arizona Project could be secured only by diverting to that project water now needed to serve authorized and existing projects in the Lower Basin of the Colorado River; and

WHEREAS, The diversion of water from such existing projects would jeopardize the water supply of over four million residents of California, who, in reliance on their contracts for water executed by the United States Government, have invested more than five hundred million dollars ($500,000,000) to provide facilities to enable them to use their share of water and power from the Colorado River; and Central Arizona Project

WHEREAS, The rights of California to the use of Colorado River water have been established by prior appropriations and by contracts with the Secretary of the Interior under the Boulder Canyon Project Act, and the Secretary of the Interior has declared that "If the contentions of California are correct, there will be no dependable water supply available from the Colorado River for this diversion"; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be memorialized to refuse passage of any bill authorizing the Central Arizona Project as proposed; and be it further

Resolved, That the Congress of the United States be memorialized to adopt legislation consenting to the joinder of the United States in an interstate suit in the Supreme Court for the determination of the water rights of the States of the Lower Basin of the Colorado River; and be it further

Resolved, That the Colorado River Board of California and all other agencies and officers of the State of California are directed to use all means within their power to carry out the objectives of this resolution; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the chairman of appropriate congressional committees, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 11

Senate 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 California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 17, 1951]

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: City of Oakland Charter amendment

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND.

Certificate

We the undersigned, Clifford E. Rishell, 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 electros 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. 25315 C.M.S. passed August 29, 1950, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition K, 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 7th day of November, 1950. 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. 25315 C.M.S. passed August 29, 1950, consolidated said special municipal election with the state general election to be held in said City on the 7th day of November, 1950, requested the Board of Supervisors of the County of Alameda to adopt an order for the consolidation of said special municipal election and said state general 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 the Board of Supervisors of the County of Alameda, on the 31st day of August, 1950, duly adopted and made its resolution and order, being Resolution No. 57943 of said Board, consolidating said elections hereinabove mentioned, and ordered that the Board of Supervisors canvass the returns of said special municipal election.

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 state general election on the 7th day of November, 1950, 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. Certificate

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 20th day of September, 1950, 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 27th day of September, 1950, and on each day thereafter to and including the 7th day of November, 1950, 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 13th day of November, 1950, and on various dates between said 13th day of November, 1950, and the 5th day of December, 1950, at its usual time and place of meeting, and did duly and regularly canvass the returns of said election, and on the 5th day of December, 1950, duly and

Certificate

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 K, had voted for, and adopted said amendment; and said Board of Supervisors of the County of Alameda, State of California, by its Resolution No. 58820 adopted on the 5th day of December, 1950, 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 K.

Amend Section 87 of the Charter to read as follows:
ORGANIZATION.

Police Department

Sec. 87. The Police Department shall consist of a Chief of Police, Captain of Inspectors who shall act as Chief of Police in the absence of the Chief of Police, and such Captains of Police, Lieutenants, Inspectors, Assistant Inspectors, Sergeants, Corporals, Bailiffs and Patrolmen as in the judgment of the Council the needs of the service may require. Provided, however, that it shall not be incumbent upon the Council to create or fill all of the above positions.

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 2nd day of January, 1951.

CLIFFORD E RISHELL
(SEAL) Mayor of the City of Oakland
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. 25315 C.M.S. duly adopted by the Council of the City of Oakland on the 29th day of August, 1950, the said Board of Supervisors did, by its Resolution No. 57943 duly adopted on the 31st day of August, 1950, consolidate

said special municipal election with the state general election to be held in the City of Oakland on the 7th day of November, 1950, 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 November 7, 1950, state general 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 K. Amends Section 87 of the Charter of the City of Oakland so as to eliminate the present provision that Patrolmen in the Police Department shall be appointed in such numbers as not to exceed one Patrolman for each 800 inhabitants of the City.	For the Amendment_____
	Against the Amendment_____

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 13th day of November, 1950, and on various dates between said 13th day of November, 1950, and the 5th day of December, 1950, at its usual time and place of meeting, and did duly and regularly canvass the returns of said election, and on the 5th day of December, 1950, 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 K:

For the amendment, 78,217 votes were cast

Against the amendment, 32,677 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 K, had voted for and ratified said amendment, and that said amendment was duly ratified and adopted by the electors of said City.

IN WITNESS THEREOF, I have hereunto set my hand and the official seal of the said County of Alameda, this 2 day of January, 1951.

G. E. WADE

(SEAL) County Clerk of the County of Alameda, State of California, and Ex-officio Clerk of the Board of Supervisors of said County.

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 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 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.

CHAPTER 12

Senate Concurrent Resolution No. 9—Relative to approving amendments to the charter of the City of Piedmont, 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 seventh day of November, 1950.

[Filed with Secretary of State January 17, 1951.]

City of Piedmont. Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, as hereinafter 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.
CITY OF PIEDMONT

Certificate

We, the undersigned, Walter I. Dahl, President of the Council of the City of Piedmont, State of California, and Weare C. Little, City Clerk of said City, do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City

at an election duly held for that purpose February 27, 1923, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the fifteenth day of March 1923, (Statutes 1923, Page 1564).

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion, the Council of the City of Piedmont being the legislative body of said City, by and in pursuance of a certain Resolution passed by the City Council on the eighteenth day of September, 1950, duly submitted to the qualified electors of said City of Piedmont, certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election, consolidated with the State of California General Election held in said City on the seventh day of November, 1950, which said proposals were and are in the words and figures following, to-wit:

Police Department work week

ARTICLE 8. The basic work week for each member of the Police Department shall be established by the City Council and shall not exceed forty-eight (48) hours per week except when public necessity may require services in excess thereof. Any member or members of the Police Department required to perform overtime in excess of the established basic workweek shall have added compensation or time off with pay for said extra services performed.

Pension plan

SECTION 49—PENSION PLAN FOR MISCELLANEOUS EMPLOYEES

ARTICLE 1. As used in this Section, "Miscellaneous Employees" means salaried officials and employees of the City of Piedmont not included within the provisions of Section 47 of this Charter.

ARTICLE 2. In addition to the pension plan provided by Section 47 of this Charter, the Council shall have power to provide for the creation, establishment and maintenance of a pension plan or plans for any or all of the miscellaneous employees of the City.

ARTICLE 3. The City of Piedmont, by and through its Council, is hereby empowered to join in any pension system or systems created under the laws of the State of California or United States of America, to which municipalities and municipal employees are eligible.

ARTICLE 4. The Council is hereby empowered to make provisions for death benefits, disability benefits, and to make allowances for prior service of miscellaneous employees.

ARTICLE 5. There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, if no other provision for payment thereof is made, a tax sufficient to meet all obligations of the City for the creation, establishment, and maintenance of a pension plan or plans for miscellaneous employees, provided said tax shall not exceed the sum of twelve (12) cents on each one hundred (100) dollars of assessed valuation of all property within the City, and which said tax shall

not be subject to any limitation or provision of Section 37 of this Charter, as the same now exists or may hereafter be amended.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in the "Piedmonter", which was then and there a newspaper of general circulation, within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed on the eighteenth day of September, 1950, did order the holding of a Special Municipal Election, consolidated with the State of California General Election on the seventh day of November, 1950, and did provide in said resolution for the submission of the proposed amendments to the Charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the seventh day of November 1950, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendments to the Charter of the City of Piedmont hereinabove set forth.

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 a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendments to said Charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the Charter of the City of Piedmont with the original proposals, submitting the same to the electors of said City at the election held on the seventh day of November 1950, and find that the foregoing is a true, full, correct, and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this second day of January, 1951.

WALTER I. DAHL,
(SEAL) President of the City Council and
ex officio Mayor.
W. C. LITTLE,
City Clerk of the City of Piedmont.

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 or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Piedmont 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 part of the charter of said City of Piedmont. Approval

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CHAPTER 13

Senate Concurrent Resolution No. 7—Relative to approving an 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 seventh day of November, 1950.

[Filed with Secretary of State January 18, 1951.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of Santa Rosa, a municipal corporation in the County of Sonoma, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit: City of Santa Rosa Charter amendment

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF SANTA ROSA, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SONOMA } ss.
CITY OF SANTA ROSA

We, the undersigned, WARD H. von TILLOW, Mayor of the City of Santa Rosa, and AGNES S. FARQUAR, City Clerk of the City of Santa Rosa, do hereby certify and declare as follows: Certificate

That the City of Santa Rosa is a municipal corporation in the County of Sonoma, State of California, and is now and at all times hereinafter referred to was a City containing a population of more than 3500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of The United States.

That said City of Santa Rosa is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on November 7, 1922, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on January 29, 1923.

That in pursuance of Section 8, of Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Santa Rosa, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Santa Rosa, proposal for amendment of the charter of said City to be voted upon by said qualified electors at a special municipal election consolidated with the state-wide election held in said City on the 7th day of November, 1950.

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in The Evening Press, The Press Democrat, a newspaper of general circulation printed and published at and within the City of Santa Rosa, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendment was voted upon was, by resolution, set and called for the 7th day of November, 1950, which date was not less than forty (40) days nor more than sixty (60) days after the completion of the publication of the notice of said election and which date was not less than forty (40) and not more than sixty (60) days after the completion of said advertising in the official newspaper as aforesaid.

That, thereafter, the Board of Supervisors of the County of Sonoma did, in the manner provided by law, duly and regularly canvass the returns of said election and that said Board, by resolution adopted on the 4th day of December, 1950, declare the results of said election as determined from the canvass of the returns thereof.

That at said special municipal election held on the 7th day of November, 1950, said proposed charter amendment was ratified and adopted by a majority of the electors of said City voting thereon; that said proposed charter amendment so ratified by the electors of the said City of Santa Rosa proposes to amend Section 22 of the Charter of the City of Santa Rosa to read as follows:

Pension plans

"Section 22. Pensions. If and when any such coverage is possible under the laws of the State of California and the laws of the United States, the Council of the City of Santa Rosa may provide for inclusion of City employees, officials or members of the police or fire department in the benefits of the Federal Social Security Act as now or hereafter amended or superseded, and the Council may for and on behalf of the City of Santa Rosa, enter into such contracts or agreements with the State of California or the federal government of the United States or any agency, department or officer of the state or federal government, make such payments, incur such obligations and take such other action as necessary to accomplish coverage of city employees, officials or members of the police or fire department under the Federal Social Security Act. No pensions of any kind or character other than as hereinabove in this Section provided

shall be awarded or paid to any active or retired city official, employee, or member of the police or fire department, unless provided for by an initiative ordinance adopted by the electors of the city."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said charter amendment, all the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of said City of Santa Rosa to be affixed hereto this 27th day of December, 1950.

WARD H. VON TILLOW
Mayor of the City of Santa Rosa

ATTEST:
AGNES S. FARQUAR
City Clerk of the City of Santa Rosa

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That 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 14

Assembly Concurrent Resolution No. 10—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 election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 22, 1951.]

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' City and County of San Francisco Charter amendments

charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county eight (8) amendments to said charter; 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 cause said eight (8) 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 election to be held in the City and County of San Francisco on the seventh day of November, 1950, the said eight (8) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the seventh day of November, 1950, 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 election held on the seventh day of November, 1950, 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 election held on the seventh day of November, 1950, 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 fourth day of December, 1950, said board of supervisors duly approved the "official statement" of votes cast at the general election held in the City and County of San Francisco, State of California, on Tuesday, the seventh day of November, 1950; and

WHEREAS, At said general election so held on the seventh day of November, 1950, six (6) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions A, B, C, D, F and H, and two other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions E and G, 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:

PROPOSITION A

Police Department

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 35.5 thereof, relating to the annual compensations for the several ranks in the Police Department, and by amending sections 36 and 36.1½ thereof, relating to the wages, hours and holidays of members of the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1950, a proposal to amend the charter of said city and county by amending sections 35.5, 36 and 36.1½ thereof, so that the same shall read as follows:

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, $10,980; deputy chief of police, director of traffic and chief of inspectors, $9,240; supervising captain of districts and department secretary, $7,500; captain of inspectors and captain of traffic, $6,840; director of bureau of personnel and director of bureau of criminal information, $6,480; captains and criminologist, $6,360; lieutenants and director of bureau of special services, $5,100; inspectors, $4,740; sergeants, $4,620; photographer, $4,440; police surgeon, $4,080; police officers, police patrol drivers and women

protective officers, for first year of service, $3,480; for second year of service, $3,660; for third year of service, $3,900; for fourth year of service and thereafter, $4,080.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensations 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.

This section shall become effective on the 1st day of July, 1951.

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 1948, 1949 and 1950, respectively.

The fire commission shall appoint a chief of department, 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 of department, 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 compensations for the several ranks in the fire department shall be as follows: chief of department, $10,980; deputy chief of department, $9,240; first assistant and second assistant chiefs of department, $7,500; secretary to chief of department, $7,280; battalion chiefs, $6,480; captains, $5,100; lieutenants, $4,740; engineers, $4,440; chief's operators, $4,440; drivers, stokers, tillermen, truckmen and hosemen, for first year of service, $3,480; for second year of service, $3,660; for third

year of service, $3,900; for fourth year of service and thereafter, $4,080; pilots of fire boats and marine engineers of fire boats, $5,100; firemen of fire boats, $4,140. Fire Department

Except as to members of marine crews of fire boats, 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, including pilots, marine engineers and firemen of fire boats, shall be required to work more than one hundred and twenty (120) hours in any fifteen-day period, nor shall any officer or member be required to work 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. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of one hundred and twenty (120) hours in any fifteen-day period. Each officer and each member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the fire commission, it is in the public interest that any member of the uniformed force of said fire department should work on his day off and said member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said member as set forth in this section of the charter, said member shall be entitled to be compensated at his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

On the recommendation of the chief of department, 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.

Members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensations adopted by the board of supervisors, pursuant to the provisions of section 151 of the charter, as additional days off with pay. Members required to perform service in said departments on said days shall be compensated on the basis of straight

time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the fire commission.

The chief of department or, in his absence, the deputy chief or any assistant chief of department 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 $3,660, $3,900, and $4,080, 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 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.

This section shall become effective on the 1st day of July, 1951.

Section 36.1½. Subject to the provisions of Section 20 of the charter governing the appointment and removal of non-civil service officers, assistants and employees, and without competitive examination, the chief of department shall have the power to appoint, from among the members of the department having the rank of first or second assistant chief of department, a deputy chief of department and, from among the members of the department having the rank of battalion chief, a secretary to the chief of department.

This section shall become effective on the first day of July, 1951.

PROPOSITION B

Emergency appointments

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 145.1 thereof, relating to Limited Tenure Appointments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1950, a proposal to amend the charter of said city and county by amending Section 145.1 thereof so that the same shall read as follows:

Limited Tenure Appointments

Section 145.1. When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under section 145 hereof, the civil service commission may qualify applicants for war-time appointments to positions through informal and non-competitive tests Such tests and appointments resulting therefrom

shall be governed solely by the provisions of this section and by rule of the civil service commission adopted pursuant thereto and the tests shall be adequate in the judgment of the civil service commission to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in section 145 hereof. Appointments made under the provisions of this section shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided in section 145 hereof but in no event to exceed six months beyond the cessation of hostilities. Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds. Limited tenure appointments may be terminated by the appointing officer for good cause at any time with the approval of the civil service commission without reference to the procedures governing removals set forth in section 154 hereof. Persons serving under limited tenure appointments as in this section provided shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in this charter or by rule of the civil service commission which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures provided in section 145 of the charter. Service after January 1, 1951, under limited tenure appointment, by platform employees of the municipal railway, shall not be included in the calculation of service of such employees for the purpose of determining assignments of runs when such assignments are made on the basis of seniority of service. Emergency appointments

Non-civil service appointments in the absence of civil service eligibles as provided in section 149 of this charter shall not be authorized if applicants qualified for limited tenure appointments are available. The civil service commission shall make every effort consistent with current conditions to maintain adequate registers of eligibles established through the regular examination procedure provided in section 145 hereof. If its annual appropriation is insufficient to meet the cost of the examinations required to establish registers of eligibles through the examination procedures set forth in section 145 hereof, or to qualify applicants for limited tenure appointments as herein provided, the commission shall report to the mayor the estimated cost thereof and the mayor shall request and the supervisors shall make supplemental appropriations therefor in the manner provided herein for supplemental appropriations.

The civil service commission shall adopt rules to carry out the provisions of this section and to govern the administration of limited tenure appointments.

In time of national emergency declared by the President of the United States or by the Congress or while any act authorizing compulsory military service or training is in effect, the

provisions of this section may also be made operative upon recommendation of the civil service commission and approval of the board of supervisors by ordinance enacted by two-thirds vote of the board. Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six months after repeal by the board of supervisors of the ordinance which authorized such appointments.

PROPOSITION C

Public office hours

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 220 thereof, relating to office hours of public offices of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at an election to be held therein on November 7, 1950, a proposal to amend the Charter of said City and County by amending Section 220 thereof so that the same shall read as follows:

Office Hours

Section 220. Except where otherwise provided by law, all public offices shall be open for business every day, except legal holidays, from eight thirty o'clock A. M., until five o'clock P. M. The Supervisors by ordinance may provide that any office shall be kept open for a longer time, when necessary for the accommodation of the public, and may also provide by ordinance that any office shall be closed on Saturday of each week during all or any part of the year.

PROPOSITION D

Leaves of absence

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 153 thereof, relating to Leaves of Absence for certain officers and employees for sea duty as licensed officers aboard ships operated by or for the United States Government.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1950, a proposal to amend the charter of said city and county by amending Section 153 thereof so that the same shall read as follows:

Leaves of Absence

Section 153. Leaves of absence to officers and employees of the city and county shall be governed by rules established by the civil service commission, provided that leave of absence to any officer or employee for the purpose of leaving the city and county, taking a position outside of the city and county service,

or accepting a position in some department or office of the city and county other than the one in which he is employed and where the duties are in no way related to the duties covered by his civil service classification, shall be limited to six (6) months; and provided, further, that no limit shall be placed on a leave of absence granted to enable an officer or employee to accept promotion to a non-civil service position in the same department in which he holds civil service status, or promotion to co-related work in another department or office of the city and county. Leaves of absence

Leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two (2) years after the proclamation of peace, except in case of disability incurred while in active service with the armed forces or the merchant marine when such disability shall extend beyond such period.

Whenever any officer or employee of the City and County of San Francisco, or any non-certificated officer or employee of the San Francisco Unified School District shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from his office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof. Officers and employees entering or being inducted into any of the services requiring military leave as provided in this section shall file with the civil service commission a copy of the orders necessitating such service prior to the effective date of the leave of absence. Leaves granted pursuant to the provisions of this and the preceding paragraph of this section shall be designated "military leaves."

The board of supervisors may, on the recommendation of the civil service commission, provide by ordinance that leaves of absence shall be granted to officers and employees during time of war or during any emergency declared by the President of the United States, for other service directly connected with the prosecution of the war or national defense or preparedness. Leaves granted under authority of ordinances enacted pursuant to the provisions of this paragraph shall be designated "war effort leaves."

In time of emergency declared by the President of the United States or by the Congress, or while any act authorizing compulsory military service or training is in effect, the board of supervisors, upon the recommendation of the civil service commission, may provide by ordinance that subject to rules of the

Leaves of absence

civil service commission, leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District, for sea duty as licensed officers aboard ships operated by or for the United States government.

Any officer or employee on military leave, who, prior to such leave, has been appointed to a permanent position in the city and county service, shall be entitled to resume such position at the expiration of his leave, and in determining and fixing rights, seniority, salary and otherwise, which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted a part of his service under the city and county.

Persons serving in the armed forces of the United States or the State of California during time of war or during any emergency lawfully declared by the President of the United States, who have standing on an eligible list, shall retain their places thereon, and upon presenting an honorable discharge or certificate of honorable active service from such military service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, shall be preferred for appointment for a period of four (4) years after the proclamation of peace or the termination of said emergency in the order of standing upon such register at the time of entering such military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service. If while in said military service the names of such persons are reached for certification to permanent positions, appointments shall be made to serve until such persons in the military service shall present to the civil service commission an honorable discharge or certificate of honorable active service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, but not more than one (1) year after the date of discharge of each such eligible, when they shall be certified and assume the duties of positions in said class and their certification to said positions for all purposes of seniority shall be deemed to be the date when their names on such eligible lists were reached for certification, provided that each appointee to a position shall serve such probationary period as is required in section 148 of this charter, and provided that such employee while serving on such probation shall be permitted to participate in any promotive examination to which his classification is eligible but shall not be entitled to certification by virtue of such promotional examination prior to satisfactory completion of said probationary period and provided further that no such persons shall be certified to entrance positions in the uniformed ranks of the police and fire departments under this provision who are more than thirty-five (35) years of age unless the names of such persons were reached for certification to such positions before such persons reached said age.

Persons who participate in a regular written civil service examination and who by reason of their active services in the Army, Navy or Marine Corps are unable to complete all parts of the examination, and who present their orders or other competent proof of service in the same manner as is required of eligibles, shall acquire standing on eligible lists in accordance with the relative excellence attained by participation in the part or parts of the examinations already completed; provided that upon presenting their honorable discharges or certificates of honorable active service within the time limits specified in this section covering eligibles, they must qualify in the remainder of the examinations. When qualified they shall be certified as of the date they would have been reached for certification in accordance with the relative excellence attained by their participation in the entire examination. Leaves of absence

The civil service commission shall adopt rules to govern the administration of leaves as herein provided and to govern layoffs occasioned by the return of officers, employees, or eligibles who have been appointed and granted leave or certified as provided in this section.

All leaves of absence granted under Rule 31 2 of the civil service commission are hereby ratified and approved.

For the purpose of certifications, appointments, leaves or any other matters concerning the rights of persons who are serving or have served in the armed forces of the United States or the State of California, the provisions of this section shall be retroactive to September 16, 1940, and any persons heretofore granted military leaves for any purpose other than to enter the armed forces of the United States or the State of California shall be deemed to have been granted war effort leaves by the civil service commission in accordance with the provisions of this section.

The civil service commission by rule and subject to the approval of the board of supervisors by ordinance, shall provide for leaves of absence, due to illness or disability, which leave or leaves may be cumulative, if not used as authorized, provided that the accumulated unused period of sick leave shall not exceed six (6) months, regardless of length of service, and provided further that violation or abuse of the provisions of said rule and ordinance by any officer or employee shall be deemed an act of insubordination and inattention to duties.

PROPOSITION F

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 92 thereof, relating to the sale of property. Sale of city property

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 7, 1950, a proposal to amend the charter of said city and county by amending Section 92 thereof, to read as follows:

SALE OF PROPERTY

Section 92. Any real property owned by the city and county, excepting lands for parks and squares, may be sold on the recommendation of the officer, board or commission in charge of the department responsible for the administration of such property. When the board of supervisors, by ordinance, may authorize such sale and determine that the public interest or necessity demands, or will not be inconvenienced by such sale, the director of property shall make a preliminary appraisal of the value of such property. The director of property shall advertise by publication the time and place of such proposed sale. He shall forthwith report to the department head concerned and to the supervisors the amount of any and all tenders received by him. The supervisors may authorize the acceptance of the highest and best tender, or they may, by ordinance, direct that such property be sold at public auction, date of which shall be fixed in the ordinance. No sale other than a sale at public auction shall be authorized by the supervisors unless the sum offered shall be at least ninety percent of the preliminary appraisal of such property hereinbefore referred to.

The proceeds of the sale of any property under the control of a department shall be applied by the supervisors to the purchase of additional land for the use of such department if required thereby. Otherwise such proceeds shall be applied to the purchase of additional real property for any city and county purpose, or, if not required therefor, may be appropriated by the board of supervisors for capital improvements; provided, however, that the proceeds of the sale of any property acquired for the use of any utility, bond, special or trust fund shall revert to the related utility, bond, special or trust fund.

The director of property may, in lieu of sale, arrange for the trading of any real property proposed to be sold for other property required by the department in charge thereof, on the recommendation of the officer, board or commission in charge of such property and the authorization, by ordinance, of the board of supervisors.

PROPOSITION H

Qualifications of officers, employees

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 7 thereof, relating to qualifications of officers and employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on the 7th day of November, 1950, a proposal to amend the charter of said city and county by amending Section 7 thereof so that the same shall read as follows:

QUALIFICATIONS OF OFFICERS AND EMPLOYEES

Section 7. No person shall be a candidate for any elective office, nor shall be appointed as a member of any board or commission or as an officer of the city and county unless he shall have been a resident of the city and county for a period of at least five years and an elector thereof for at least one year immediately prior to the time of his taking office, unless otherwise specifically provided in this charter. All employees of the city and county shall be citizens and shall have been residents thereof, for at least one year prior to the appointment, unless otherwise specifically provided in this charter, and members of the fire and police departments shall be citizens and shall have been residents of the city and county for at least five years next preceding appointment, and every elected officer, member of any board or commission and employee, including members of the fire and police departments, shall continue to be a resident of the city and county during incumbency of office or employment, and upon ceasing to be such resident, shall be removed from such office or employment; provided that where competent citizens who are residents of the city and county cannot be secured to fill positions outside of the city and county, then nonresident citizens may be appointed to fill such positions; provided, further, that employees who at the time of original appointment to positions in city and county service were or at such time are residents of the city and county, and who now or at any time occupy positions the usual duties of which require their presence daily at places which are more than fifty miles distant from the city and county, may establish and continue residence in any county convenient to such place of duty for the duration of their employment at any such places, and shall have all rights in relation to any such employment or to any other position in any department of the city and county, including but not restricted to all rights respecting participation in examinations for appointment to, or occupancy of such other positions, to the same extent as though they had continued to be residents of the city and county during all of such time; and provided, also, that positions requiring expert or technical training may, on the recommendation of the department head and the mayor, and with the approval of the civil service commission and the board of supervisors, be exempted from the requirements of this section. A "resident" within the intent and purpose of this section, means one who actually lives within the city and county and maintains an abode therein, where such resident with his family, if any, customarily spends the night, provided, however, that residence outside the confines of the city and county for a period not to exceed three months in any calendar year, or absence of a resident from the city and county upon any bona fide journey, whether for business or pleasure and for whatever length of time, or absence of a resident while

in the performance of any duties as an elected or appointed official or employee of the State of California or the government of the United States, shall not be within the contemplation of this section; provided, however, that any officer or employee of the city and county may live outside the City and County of San Francisco upon the authorization of the director of health, filed in the office of the civil service commission, and granted on account of the ill health of said officer or employee or the ill health of a member of the immediate family of said officer or employee.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

Certificate

This is to certify that we, George Christopher, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, 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 which were submitted to the electors of said City and County at a general election held on Tuesday, the seventh day of November, One Thousand Nine Hundred Fifty, 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 11th day of December, One Thousand Nine Hundred Fifty.

(SEAL)

GEORGE CHRISTOPHER
President of the Board of Supervisors of the City and County of San Francisco
JOHN R. McGRATH
Clerk of the Board of Supervisors of the City and County of San Francisco

Approved as to form
DION R. HOLM, City Attorney

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 15

Assembly Joint Resolution No. 2—Relative to the allocation of funds for shipbuilding to Pacific Coast facilities.

[Filed with Secretary of State January 23, 1951.]

Allocation of funds for ship building

WHEREAS, From 1940 to 1950 there has been an increase in the population of California of approximately four million people; and

WHEREAS, During that period from 1940 to 1950 there came to the Pacific Coast thousands of skilled and unskilled workers to work in war industries, who have become permanent residents of California; and

WHEREAS, There has been introduced in Congress a bill to allocate $350,000,000 for a shipbuilding program, the allocation of which sum will be made by the Maritime Board; and that program will employ in the shipbuilding industry not only thousands of workers who are already residents of California but will bring to the Pacific Coast a great many more workers who will be attracted by increased activity anticipated in war industry; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature does hereby respectfully request the Maritime Board to allocate an appropriate portion of the funds made available for shipbuilding to the San Francisco Bay area, Los Angeles Harbor and San Diego Bay area, including the San Francisco Naval Shipbuilding Plant at Hunters Point, the Naval Shipyard at Vallejo and such shipyards at Richmond as may be actively operating; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Chairman of the Maritime Board, and to each Senator and Representative in Congress from California.

CHAPTER 16

Assembly Concurrent Resolution No. 11—Relative to approving an amendment to the charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 23, 1951.]

City of San Jose charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SAN JOSE

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.
CITY OF SAN JOSE

Certificate

We, the undersigned, Clark L. Bradley, Mayor 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, County of Santa Clara, a municipal corporation of the State of California, is now, and at all times herein mentioned was, a city containing a population of more than 3,500 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, duly proposed one (1) proposition for the amendment of the Charter of said City to be submitted to the electors of said City at a special municipal election to be held in said City on November 7, 1950, 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 one proposal summarizing said proposed amendment, and to give notice of the submission of said proposed charter amendment in accordance with the above mentioned constitutional provisions and the election laws applicable to such matters;

That said special municipal election was duly and regularly called and held on said 7th day of November, 1950, which day was not less than forty, nor more than sixty days after the completion of the publication and advertising of said proposed amendment in the newspaper hereinafter mentioned;

That said proposed amendment was, on September 13, 1950, published in the Evening News, a newspaper of said City and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendment was printed in convenient pamphlet form and in type of not less than 10-point, and a copy thereof was mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendment 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 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, there was held in the City of San Jose on the 7th day of November, 1950, a special 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, the said proposed charter amendment was 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 said proposed amendment to the Charter of the City of San Jose, being Charter Amendment Proposition A as hereinafter set forth;

That the returns of said election, as certified by the election boards were duly canvassed and it was found, determined and declared that said proposed amendment to the Charter of the City of San Jose, designated Charter Amendment Proposition A was ratified by a majority of the qualified electors of said City voting thereon.

That the amendment to the said Charter so ratified by the electors of said City of San Jose is in words and figures as follows:

CHARTER AMENDMENT PROPOSITION A.

Emergency appointments

Section 105a. Notwithstanding any other provisions of this Charter to the contrary, in time of war or national emergency, or while any national conscription act is in effect, the Council may provide for the emergency employment of any person to fill any office or position in the city. Such person shall not be subject to the requirements, regulations, and qualifications of the personnel, merit, or Civil Service system adopted by the city. An emergency appointee shall not acquire Civil Service or other permanent status because of the emergency appointment. The Council may, however, provide that an emergency appointee selected from an eligible list who is otherwise eligible for permanent appointment may acquire such rights as are expressly provided for under rules and regulations adopted by the Civil Service Commission and approved by the Council in the form of an ordinance.

That we have compared the foregoing amendment (Charter Amendment Proposition A) with the original proposal submitted to the qualified electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof;

And we further certify that the facts set forth in the preamble to said amendment to said Charter are, and each of them, is true.

IN TESTIMONY WHEREOF, we have hereunto set our hands, and caused the same to be authenticated by the seal of said City of San Jose this 2nd day of January, 1951.

CLARK L. BRADLEY
(SEAL) Mayor of the City of San Jose
DOROTHY COVILL
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration 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 Assembly of the State of California, the Senate 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 San Jose 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 San Jose.

CHAPTER 17

Assembly Concurrent Resolution No. 13—Approving a certain amendment to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 23, 1951.]

City of Pasadena Charter amendment

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing 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 twentieth day of November, 1900, and approved by the Legislature of the State of California, on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF PASADENA }

Certificate

We, the undersigned, A. RAY BENEDICT, Chairman of the Board of Directors of the City of Pasadena, State of California, and CLARA BELLE MACLELLAN, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, 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 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of 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 20th day of November, 1900, and approved by the Legislature of the State of California on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4166 adopted by said board on the 13th day of September, 1950, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena one certain proposal for the amendment of the Charter of said city, designated as Proposition "N", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 7th day of November, 1950. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4167 adopted on the 13th day of September, 1950, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 7th day of November, 1950, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the general state election to be held on said date. That said election was duly and regularly called and held on said 7th day of November, 1950, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the official newspaper.

Certificate

That said proposed amendment 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 Pasadena, on the 14th day of September, 1950, in The Pasadena Independent, a daily newspaper of general circulation, published in said City of Pasadena, 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 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 Pasadena, a notice was advertised and published in The Pasadena Independent, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

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 Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 7th day of November, 1950, 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 amendment was submitted to the qualified electors of said city for its 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 amendment to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 28th day of November, 1950, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 12th day of December, 1950, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for, ratified and adopted said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena is in words and figures as follows:

Working hours of firemen

City of Pasadena Charter Amendment. Shall the Charter of the City of Pasadena be amended by repealing Section 6 of Article 6 thereof pertaining to the working hours of firemen and the administration of the Fire Department as proposed in

Section 1 of Ordinance No. 4166 entitled "An Ordinance of the City of Pasadena Proposing an Amendment to the Charter of Said City", adopted by the Board of Directors of the City of Pasadena on the 13th day of September, 1950?

That we have compared the foregoing amendment with the original proposal proposed by said Ordinance No. 4166 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 9th day of January, 1951.

A. RAY BENEDICT
(SEAL) Chairman of the Board of Directors of the City of Pasadena
CLARA BELLE MACLELLAN
City Clerk

and

WHEREAS, Said proposed amendment to the charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, has been, and is 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, 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 Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as a part of the charter of the City of Pasadena. Approval

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CHAPTER 18

Senate Concurrent Resolution No. 4—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State January 23, 1951]

WHEREAS, Each department of the government of this State is accountable to the Federal Government for the payment of the withheld tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and Accounting officer for Legislature

WHEREAS, The State Controller has customarily been designated by concurrent resolution as accounting officer of the Legislature for such purposes, and has been designated by statute to make deductions under the Legislators' Retirement Law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, and authorized to maintain accounts of amounts paid to the Members of the Legislature, attaches thereof, and attaches and employees of such committees of the Legislature as may from time to time exist for purposes of making deductions and filing returns with the Federal Government in connection with the withheld tax or any other tax that may provide for salary deductions, and for purposes of making deductions and filing returns of retirement and other deductions provided by law, and other purposes; and be it further

Resolved, That there is hereby appropriated and made available from the Contingent Funds of the Senate and Assembly, equally, a sum not to exceed five hundred fifty dollars ($550) per month for the purpose of defraying the expenses of the Controller in carrying out the duties imposed upon him by this resolution, to be disbursed, after approval by the Chairman of the Rules Committee of the Senate and the Chairman of either the Rules Committee or the Process Committee of the Assembly, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall become effective February 1, 1951, and shall be of no further force or effect after January 31, 1953.

CHAPTER 19

Senate Concurrent Resolution No. 14—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 23, 1951]

Recess

WHEREAS, Section 2 of Article IV of the Constitution of this State requires that, after the Legislature has been in session for a period of not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1951 Regular Session of the Legislature of the State of California shall adjourn for said recess at 10 o'clock p.m. on the twenty-third day of January, 1951, and shall reassemble at 12 o'clock m. on March 12, 1951.

CHAPTER 20

Senate Concurrent Resolution No. 18—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 7 (Res. Ch. 75, 1949).

[Filed with Secretary of State January 23, 1951.]

Expenses of Budget Committee

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of one hundred ninety thousand dollars ($190,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 21

Senate Concurrent Resolution No. 21—Relative to the character and the achievements of the Honorable Bradford S. Crittenden.

[Filed with Secretary of State January 23, 1951.]

Bradford S. Crittenden

WHEREAS, The Honorable Bradford S. Crittenden, generally recognized and acclaimed as the Dean of the Legislature, has seen fit to retire from public office, and

WHEREAS, The Members of the Senate, of which body he has been a member since the election of 1930 have extended to him fitting recognition. It is now appropriate that the entire Legislature should do so, and

WHEREAS, The Honorable Bradford S. Crittenden was elected to the Assembly by the people of San Joaquin County 31 years ago, and was continuously re-elected until the year 1930 when he was elected by the people of the county to serve them in the Senate, to which body he was re-elected at each election down to and including the election of 1946, and

WHEREAS, "Brad," as he was affectionately known to his colleagues and friends was a farmer and a lawyer, and one possessed of an inquisitive and investigative mind, the records revealing the fact that he was appointed to membership on a committee to investigate the Railroad Commission at his very first session, and at the next session he was appointed to a committee to investigate election expenditures, and at the succeeding session he was charged with the investigation of teachers colleges, and 1927, in addition to being Chairman to the Committee on Reapportionment and Vice Chairman of the Committee on

Drainage, Swamp and Overflowed Lands, he became Chairman of the Joint Committee on Water Resources, and while it has been rumored that the Honorable Bradford S. Crittenden has sometime been known to make temperate use of some fluids other than water, water has been the liquid with which he has been most deeply concerned, and one whose conservation and proper utilization has consumed much of his talent and energy during a major portion of his life, and

WHEREAS, The fact that Brad was the Chairman of the Committee on Governmental Efficiency in 1931 did not interfere with his interest in water and agriculture problems, for he continued to be a member of the Committees on Drainage, Swamp and Overflowed Lands, Agriculture and the Joint Committee on Water Resources, and

WHEREAS, The devotion Brad has shown to the cause of the development of water resources and the conservation of water should insure him the life-long esteem and affection of each farmer, fish, turtle, frog, tadpole and every other living thing which subsists in whole or in part upon water; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Honorable Bradford S. Crittenden be thanked for his diligent and conscientious service to the causes which have commended themselves to him, and that he be acclaimed as the eminent authority on water resources of the State of California; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have prepared a suitable copy of this resolution for presentation to the Honorable Bradford S. Crittenden.

CHAPTER 22

Senate Concurrent Resolution No. 20—Relative to 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 a special municipal election held therein on the first day of May, 1950.

[Filed with Secretary of State January 23, 1951.]

City of Napa: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA
County of Napa } ss.
City of Napa

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned E. OWEN SEAVEY, Mayor of the City of Napa, and ALLEN R. THORPE, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 6, 1950, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 3, filed in the office of the Clerk of said City of Napa on said March 6, 1950, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 1st day of May 1950, and consolidated said special election with the General Municipal Election to be held in said City on said 1st day of May 1950.

That said proposed charter 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, 1950 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

That said special municipal election was held in said City of Napa on May 1, 1950 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 3 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 said pro-

posed charter amendment had voted for and ratified said amendment, 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 amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 3

Progressive Payment on Contracts

Progressive payments

SECTION 102. Any contract may provide for progressive payments, provided no such payments can be authorized, which, with any prior payments, shall exceed ninety per cent of the value of the labor done and materials used; and provided further that no contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

That we have compared the foregoing amendment with the original proposal 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 amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 21st day of September, 1950.

E OWEN SEAVEY
Mayor of the City of Napa,
State of California

(SEAL)

ALLEN R. THORPE
City Clerk of the City of Napa,
State of California

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration 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 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.

CHAPTER 23

Assembly Joint Resolution No. 3—Relative to the tidelands and submerged lands adjacent to the coastal states.

[Filed with Secretary of State January 24, 1951]

Ownership of tidelands

WHEREAS, Until recently it was generally recognized that all of the coastal states owned a belt of land beneath navigable waters adjacent to their coasts; and

WHEREAS, In 1947 the Supreme Court of the United States held that those lands were not owned by the states and that the Federal Government rather than the states has paramount rights in and power over the three-mile belt of land; and

WHEREAS, The effect of the decision of the Supreme Court was to divest the states of valuable oil rights; and

WHEREAS, State ownership of the three-mile belt of land is not inconsistent with the federal control necessary in the conduct of international affairs and Coast Guard activities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact such legislation as will be necessary to restore the ownership of the three-mile belt of land beneath navigable water adjacent to the coasts of the coastal states; and be it further

Resolved, That the Chief Clerk of the Assembly 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 of a coastal state in the Congress of the United States.

CHAPTER 24

Assembly Joint Resolution No. 4—Relative to lands beneath the navigable waters adjacent to the coasts of coastal states.

[Filed with Secretary of State January 24, 1951.]

Cooperation of other states

WHEREAS, A recent decision of the Supreme Court of the United States refutes a long recognized claim of the coastal states to the three-mile belt of land beneath the navigable waters adjacent to their coasts; and

WHEREAS, The effect of this decision was to divest those states of valuable oil rights; and

WHEREAS, Ownership of such land by the coastal states would in no way interfere with federal control necessary in the conduct of international affairs and Coast Guard activities; and

WHEREAS, If it is possible for the Federal Government to secure the ownership of such lands on the basis of its contentions before the Supreme Court, there is a danger that the ownership

of all state lands in other states as well as in the coastal states will be jeopardized; and

WHEREAS, The Legislature of the State of California has, by resolution, memorialized the Congress of the United States to enact legislation necessary to restore this land to the State; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislatures of each of the states are urged to adopt a resolution similar to that of the California Legislature; and be it further

Resolved, That the Legislature of each of the states is requested to transmit to the Legislature of California copies of any resolutions adopted or notice of any taken relative to the subject matter of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to each of the legislative bodies of each of the states.

CHAPTER 25

Assembly Joint Resolution No. 7—Relative to acquisition of land by the United States.

[Filed with Secretary of State January 24, 1951.]

Hearings to determine public use

WHEREAS, The United States, acting through its several agencies, acquires land in the several states for public use; and

WHEREAS, If an owner of the land does not desire to sell it in such an instance, the United States can obtain it by condemnation; and

WHEREAS, The decisions of the United States to acquire land, administrative in nature, are made by the excutive branches of the agencies of the United States and are held to determine public use in the courts of the land; and

WHEREAS, The owners of the lands, local governmental agencies, and other interested persons and organizations have no voice in those administrative decisions even though they believe the validity of the decisions questionable; and

WHEREAS, The policy of disregarding opinions of the interested persons and organizations in making the decisions relative to methods and amounts of land to be acquired by the United States is considered undemocratic; and

WHEREAS, This undemocratic procedure can be avoided by holding hearings to permit the interested persons and organizations to voice any objections or suggestions that they have with regard to each proposed purchase; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to take such action as is necessary to insure that owners of lands which the United States proposes to acquire, and all interested persons and local governmental

agencies, are given an opportunity to express their views on each proposal of the United States to acquire land, at a public hearing held for that purpose after due notice; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy 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.

CHAPTER 26

Assembly Joint Resolution No. 11—Relative to materials and equipment necessary for air pollution control.

[Filed with Secretary of State January 24, 1951]

Congressional action re air pollution control

WHEREAS, Many of the industrial plants in Los Angeles County are devoted to the production of supplies for the national defense; and

WHEREAS, The full production of industrial plants in Los Angeles County is necessary during the present national emergency; and

WHEREAS, It is essential to the health and efficiency of the defense workers that the atmosphere be as free from pollution as possible; and

WHEREAS, The Los Angeles County Air Pollution Control District is now requiring the construction of installations necessary to reduce the air pollution; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to take such action as may be necessary to permit the acquisition, uninterrupted by priority or other restrictions, of the required materials and equipment necessary to permit the execution of the requirements of the Los Angeles Air Pollution Control District; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy 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.

CHAPTER 27

Assembly Joint Resolution No. 14—Relative to memorializing Congress to take action for protection for civilian injuries or deaths resulting from acts of war.

[Filed with Secretary of State January 24, 1951]

Congressional action to relieve burden of war injury

WHEREAS, The possibility of war is imminent; and

WHEREAS, It is probable that if such war occurs the civilian population of this Nation and of this State will be subjected to

injury and death resulting from sabotage, bombing, and other acts which are concomitants of modern war; and

WHEREAS, Large numbers of those killed or injured would receive their injuries while performing their usual work in the course of their usual employment; and

WHEREAS, The possibility exists that such persons or their dependents might successfully assert claims based on the workmen's compensation laws of this State against either the State Compensation Insurance Fund or private workmen's compensation insurance carriers; and

WHEREAS, Should this occur, such fund and such carriers might be bankrupted, leaving the worker who receives industrial injuries without protection; and

WHEREAS, Should this result it would create untold hardship upon this and other states, their workmen's compensation agencies and private insurance companies and insurers and also upon the workers themselves; and

WHEREAS, Injuries and deaths resulting from such acts of war are properly the concern of the National Government and should not be left to the State of California, which is one of the most vulnerable of all states to probable enemy attack, or to other states similarly situated; and

WHEREAS, There are several measures pending before the Eighty-second Congress of the United States to provide protection to the states and their people from such eventualities; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States be, and it hereby is, memorialized to take appropriate action to protect the states from eventualities resulting from acts of war as hereinbefore set forth; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of California.

CHAPTER 28

Assembly Concurrent Resolution No. 14—Commending the city council and governmental agencies of the City of Sunnyvale and other cooperating agencies throughout the County of Santa Clara, for their splendid conduct during a recent emergency.

[Filed with Secretary of State January 24, 1951.]

City of Sunnyvale Commendation

WHEREAS, At 8.20 a.m. on Thursday, January 11th, the first tornado in the recorded history of the State of California struck the City of Sunnyvale with devastating force; and

WHEREAS, In a few short seconds more than 200 homes were severely damaged, communications were disrupted and the principal industries of the city forced to suspend activities; and

WHEREAS, For the first time in California it became necessary to call on the recently organized civil defense and disaster agency; and

WHEREAS, Through the prompt and speedy action of the agency within the City of Sunnyvale and the cooperation of the county agency and agencies in surrounding communities, the needs of the civilian population resulting from the disaster were promptly met; and

WHEREAS, The community rose to the occasion in such a way that all panic was avoided and the program of restoration promptly undertaken; and

WHEREAS, Although more than a million dollars worth of damage was done in the incorporated area of Sunnyvale alone, the community is able to take care of all of the immediate needs of its citizens and of the work of restoration without assistance from the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the city council and the other governmental agencies of the City of Sunnyvale and the cooperating agencies throughout the County of Santa Clara be commended for their prompt and effective action in dealing with disaster and that the citizens of Sunnyvale be commended for this evidence that in a time of emergency and disaster they can organize themselves to meet the resultant needs in an orderly and constructive manner; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a suitably engrossed copy of this resolution to the mayor and the city council of the City of Sunnyvale.

CHAPTER 29

Assembly Concurrent Resolution No. 16—Relative to extending good wishes for a speedy recovery to Ida R. Koverman.

[Filed with Secretary of State January 24, 1951.]

Ida R Koverman

WHEREAS, The Members of the Legislature have been informed of the illness of Ida R. Koverman; and

WHEREAS, Ida R. Koverman has always displayed a keen and intelligent interest in the legislative process and in the Legislature; and

WHEREAS, Ida R. Koverman is held in great esteem and respect by every Member of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend to Ida R. Koverman, expressions of warm regard and sincere good wishes for her most rapid recovery, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Ida R. Koverman.

CHAPTER 30

Assembly Concurrent Resolution No. 21—Approving certain amendments to the charter of the City of Culver City, County of Los Angeles, State of California, voted for and ratified by the electors of said City of Culver City at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 24, 1951.]

Culver City Charter amendments

WHEREAS, The City of Culver City, in the County of Los Angeles, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now and has been ever since the twenty-first day of January, 1947, organized, existing and acting under a 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 held for that purpose on the seventh day of January, 1947, and approved by the Legislature of the State of California, on the twenty-first day of January, 1947; and

WHEREAS, On the eighteenth day of September, 1950, the legislative body of the City of Culver City, to wit, the city council, on its own motion passed a resolution to submit proposed amendments to the city charter of the City of Culver City to the electors of said city, at a special municipal election to be held on November 7, 1950, which date was fixed by the said city council of the said City of Culver City as the time for voting on said amendments as proposed; and

WHEREAS, Said proposed amendments were published on the twenty-second and twenty-ninth days of September, 1950, in the Citizen, a newspaper of general circulation, printed and published in the City of Culver City, and having a general circulation therein, the said paper being the official newspaper of the City of Culver City, and said publication being made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said election was duly called and regularly held on the seventh day of November, 1950, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Culver City, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter, said proposed amendments so ratified being in the words and figures as follows, to wit:

AMENDMENT NO. 1

That Section 1300 of Article XIII of the Charter of the City of Culver City be amended to read in its entirety as follows: Municipal Elections

"Section 1300. General Municipal Elections. General Municipal Elections for the filling of all elective offices, other than the Board of Education, shall be held in said City on the second Tuesday in April in each even numbered year. Elections for members of the Board of Education shall be held on the third Friday of May of each odd numbered year in accordance with the provisions of Article 2, Chapter 4, Division 2 of the Education Code. Expenses for Board of Education elections shall be paid by the School District."

AMENDMENT NO. 2

That Section 800 of Article VII of the Charter of the City of Culver City be amended to read in its entirety as follows: Board of Education

"Section 800. Number and Term. The Board of Education shall consist of five (5) members, elected from the School District at large, for a term of four (4) years expiring on the first day of July of the fourth year next succeeding their election. The term of office of the present members expiring in 1952 is hereby extended to July 1, 1953, and the term of office of the members expiring in 1954 is hereby extended to July 1, 1955."

and

WHEREAS, The Registrar of Voters of the County of Los Angeles, State of California, in accordance with the law in such cases made and provided, duly certified to the City Council of the City of Culver City that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Culver City as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of J. Ray Klots, Mayor of the City of Culver City, and Meryle Carter Payton, City Clerk of the City of Culver City, whose certificate is in words and figures as follows, to-wit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF CULVER CITY }

Certificate

This is to certify that we, J. Ray Klots, Mayor of the City of Culver City, and Meryle Carter Payton, City Clerk of the City of Culver City, have compared the foregoing proposed and ratified amendments to the Charter of the City of Culver City with the original proposed amendments submitted to the qualified electors of the said City of Culver City at the General Election held within the City of Culver City

on November 7, 1950, and find that the foregoing is a full, true, and correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Culver City to be attached this 10th day of January, 1951.

(SEAL)

J. RAY KLOTS
Mayor
MERYLE CARTER PAYTON
City Clerk

and

WHEREAS, The said amendments to the charter of the City of Culver City so ratified, as set forth in the foregoing certificate and preamble thereto, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the City of Culver City herein set forth, as presented and submitted to and ratified and adopted by the qualified electors of the City of Culver City, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Culver City.

CHAPTER 31

Assembly Concurrent Resolution No. 22—Relating to Mrs. Edna May Butters and Assemblyman George R. Butters.

[Filed with Secretary of State January 24, 1951.]

Edna May Butters and George R Butters

WHEREAS, It is with sorrow and regret that we learn of the death of the wife of our beloved colleague, Assemblyman George R. Butters, and of his hospitalization in the Kern County General Hospital as a result of critical injuries received in an automobile accident Saturday evening, January 19, 1951; and

WHEREAS, Edna May Butters, beloved wife of Assemblyman George R. Butters, and loving mother of Robert Lawrence Butters was not only a partner for 44 years in married life, but also was a real partner in establishing and conducting the ranches in Imperial County for the last 37 years; and

WHEREAS, The Members of the Legislature share Assemblyman George R. Butters' grief in the tragic death of Mrs. Edna May Butters; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the heartfelt sympathies of the Members of the California State Legislature are extended to our fellow Legislator, Assemblyman George R. Butters, in his hour of bereavement, and that when the Legislature adjourns this day it do so in respect to the memory of Edna May Butters; and be it further

Resolved, That the Members of the California State Legislature wish Assemblyman George R. Butters a speedy and complete recovery from the injuries sustained in this serious accident that took away from him his lifelong partner; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Assemblyman George R. Butters.

CHAPTER 32

Assembly Concurrent Resolution No. 23—Relative to approving amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of November, 1950.

[Filed with Secretary of State January 24, 1951.]

City of Richmond Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss.
CITY OF RICHMOND

Certificate

We, the undersigned, D. M. Bradley, Mayor of the City of Richmond, California, and C. A. Pitchford, City Clerk of said City, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, 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

Certificate

qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909. (Statutes of 1909, Chap. 18).

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 Richmond, being the legislative body thereof, by its Resolutions numbered 4903, adopted on September 11, 1950, 4905, adopted on September 18, 1950, and 4922, adopted on September 25, 1950, duly and regularly submitted to the qualified electors of said City two certain proposals hereinafter referred to as Amendment A and Amendment B to amend the Charter of the City of Richmond and to be voted upon by the said qualified electors at a special election by said Resolutions called for said purpose in said City on the 7th day of November, 1950, and the said Council by its aforesaid Resolutions did request the Board of Supervisors of the County of Contra Costa to consolidate said special election for said purpose with the State general election to be held on the 7th day of November, 1950, and to canvass the returns of the vote thereon.

That on September 25, 1950, the Board of Supervisors of the County of Contra Costa consented to and ordered the consolidation of said special election with the State general election to be held on the 7th day of November, 1950.

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 Richmond; that one of said proposed amendments, to wit: the amendment hereinafter referred to as Amendment A, proposed by said Resolution numbered 4903, was published as aforesaid on the 13th day of September, 1950, and that the second of said proposed amendments, to wit: the amendment hereinafter referred to as Amendment B, proposed by said Resolution numbered 4905, was published as aforesaid on the 20th day of September, 1950, and that each of said publications was in the "Richmond Daily Independent", a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof, during the said days of publication; that said City of Richmond has a population of less than one hundred twenty five thousand (125,000); that said publications on the 13th and 20th days of September, 1950, also contained a "Notice to Voters", wherein, among other things, were set forth the proposals that had been made for amendment of the Charter of said City in the manner therein set forth, to be voted upon at the general election to be held in said City on the 7th day of November, 1950; that from and after September 13, 1950, the City Clerk of the City of Richmond caused to be published in said official newspaper, daily except Sunday, up to and includ-

ing the day fixed for said election, to wit: November 7, 1950, a notice to voters reading as follows: Certificate

"NOTICE

Copies of the proposed amendment of Section 1 of Article VII of the Charter of the City of Richmond to provide for more than one judge of the Richmond Police Court, which is to be voted upon at the general election on Tuesday, November 7, 1950, are available upon application at the office of the City Clerk of the City of Richmond, City Hall, Richmond, California."

and that continuously from September 13, 1950, up to and including November 7, 1950, there were available in the office of the City Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendment hereinafter referred to as Amendment A.

That from and after September 20, 1950, the City Clerk of the City of Richmond caused to be published in said official newspaper, daily except Sunday, up to and including the day fixed for said election, to wit: November 7, 1950, a notice to voters reading as follows:

"NOTICE

Copies of the proposed amendment to be known as Article XIII of the Charter of the City of Richmond to provide a modern system of personnel administration for the City of Richmond, which is to be voted upon at the general election on Tuesday, November 7, 1950, are available upon application at the office of the City Clerk of the City of Richmond, City Hall, Richmond, California."

and that continuously from September 20, 1950, up to and including November 7, 1950, there were available in the office of the City Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendment hereinafter referred to as Amendment B.

That in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said general election was duly and regularly held in said City after due notice was given and published, the day of election being on November 7, 1950, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendments in the "Richmond Daily Independent," the official newspaper of said City.

That thereafter, said general election was duly and regularly held on Tuesday, November 7, 1950, and the Board of Supervisors of the County of Contra Costa, State of California, did, in the manner provided by law, duly and regularly canvass

the returns of said election and did, on the 4th day of December, 1950, by resolution, duly declare and certify the results of said general election as determined from the canvass of the returns thereof.

That the said Council of the City of Richmond did, by its Resolution numbered 4971, duly and regularly adopted on December 26, 1950, declare the results of said election on said two proposals to amend the Charter of the City of Richmond and did accept the official notice of canvass of votes on said propositions, as certified by the Board of Supervisors, as aforesaid.

That at said general election, a majority of the qualified electors voting on said two proposals to amend the Charter of the City of Richmond voted in favor of said amendments hereinafter set out, and the said Board of Supervisors of said County did by said Resolution dated December 4, 1950, find, determine and declare that the said proposed amendments to the Charter of the City of Richmond were ratified by a majority of the qualified electors of said City voting thereon, and the said Council of the City of Richmond did, by its said Resolution numbered 4971, adopted December 26, 1950, accept the determination and declaration of the Board of Supervisors of said County that the said proposed amendments to the Charter of the City of Richmond were ratified by a majority of the qualified electors of said City voting thereon, as aforesaid.

That said two amendments to the Charter so ratified by the qualified electors of the City of Richmond at said general election were in words and figures as follows:

Police Court

Amendment "A", amending Section 1 of Article VII of the Charter of the City of Richmond to read as follows:

"Section 1. There is hereby created in and for the City of Richmond a Court which shall be known as the Police Court of the City of Richmond. Said court shall consist in such number of judges and departments as the Council shall by ordinance from time to time determine. Judges shall be appointed by the Council and serve during its pleasure and shall receive such compensation as the Council shall determine."

Amendment "B", adding a new article to the Charter of the City of Richmond to be known as Article XIII, and to read as follows:

Civil service

SECTION 1. Purpose and Basic Requirements of This Article:

It is the purpose of this Article to provide a modern system of personnel administration for the City of Richmond, whereby effectiveness in the personal services rendered to the City, and fairness and equity to the employees and the taxpayer, alike, may be promoted. To accomplish this end, the provisions of this Article shall be liberally construed. The following principles and policies shall be adhered to.

All appointments to and promotions within the classified service of the City of Richmond shall be based upon efficiency and fitness which shall be ascertained by means of recognized

personnel selection techniques such as written tests, aptitude tests, personal interview, performance tests, records of daily work performances, work samples, professional achievement, or any combination of these. The personal interview by itself shall not be considered a promotional examination.

Fair and equitable rates of pay shall be provided with due consideration both of the employees and the taxpayer, and with due observance of the principle of like pay for like work, and suitable differences in pay for differences in kind of work.

Full consideration shall be given to the interests and desires of the employees insofar as it is consistent with interests of the City and of the public it serves. The establishment and maintenance of working conditions and morale shall be such that the City service is attractive as a career, and that each employee is encouraged to render his best service in compliance with the provisions of this Article.

Personnel rules

SECTION 2. Personnel Rules to Provide for Giving Effect to the Purposes and Requirements of this Article:

To give effect to the purposes and requirements in the preceding section, the personnel rules hereinafter required to be adopted, shall provide, among others, for the following things with reference to the classified service as defined in this Article.

(a) For a systematic classification plan providing for the classification of all positions on the basis of their duties and responsibilities, the qualifications required and the salary to be paid; for definitions of the classes in the classification plan; for the allocation and reallocation of the classes in the classification plan; and for amendment and continuous administration of the classification plan.

(b) For development and recommendation by the Personnel Board to the Council of a systematic compensation plan, and amendments thereto from time to time as deemed necessary; and for the continuous administration of such compensation plan as is adopted by ordinance. In arriving at recommendations relating to salaries and wages within the compensation plan, consideration shall be given to salaries and wages paid in comparable types of work in both public service and private industry within the area, the movement of well recognized cost of living indexes, the financial condition of the City and conditions of the labor market.

(c) For determining efficiency and fitness for original appointment to and promotion within the classified service by means of competitive examinations held after adequate public notice. The selection techniques used in such examinations shall be practical in character, and designed fairly to measure the ability or potentiality of the candidates for positions in the various classes. The rules shall provide for allowance of veterans' preference to any person honorably discharged from the Armed Forces by the United States Government.

(d) For certification of eligibles and for appointment and promotion to positions in the classified service on the basis of such tests.

Personnel rules

(e) For filling vacancies in higher competitive positions through promotional examinations, except when vacancies are filled, in the interests of the City service, by transfer, reinstatement, re-employment or demotion. The Personnel Director, subject to review by the Personnel Board, shall have the authority, except with respect to the Police and Fire Services, to determine whether or not it is practicable to fill a given vacancy by promotional examination.

(f) For tenure of employment in positions in the classified service during efficient and fit service, except in cases of temporary appointment. Provision shall be made for a systematic and equitable plan for lay-off in the event of lack of funds by the City or the cessation of need for a given class or classes of work, or other valid reasons; provided further, however, in the event the Council shall determine it is necessary to bring about a reduction of personnel of all employees in the classified service, the Council for such purposes shall adhere to the seniority list maintained by the Personnel Director for the employees of such department in effecting reduction of personnel. The name of employees so laid off shall be placed on an appropriate list or lists. Persons on these lists shall be re-employed at the earliest opportunity. Reinstatement, transfer, and resignation shall be provided for.

(g) For emergency, temporary, or provisional appointments, without examination, to positions in the classified service for a period not to exceed 180 days. All intermittent employees and those seasonal employees who are employed for a period less than 120 days in any one calendar year shall not be required to qualify through examination.

(h) For the optional use of service ratings in each of the various City Departments, and for the administration of such service rating plans, subject to the approval of the City Manager.

(i) For co-operation between the City Manager and the employees in promoting employee welfare, including such health, welfare, economic and other programs as deemed desirable.

(j) For the development of an employee training program to the end that the general level of efficiency of the classified service shall be high and that the employees shall be encouraged and aided in improving their status.

(k) For recommendations to the Council regarding rule provisions to regulate the hours of duty, holidays, leaves of absence and for the administration of such rule provisions as are adopted. The requirements regarding hours of duty, holidays and leaves of absence may vary for the different classes of employment but shall be uniform in their application to employees of the same classes under like conditions of work.

(*l*) For payment for part-time and overtime services on an equitable basis in relation to the hours worked as compared with the requirements for full-time service. Compensation for such service shall be paid on the basis established by such rules.

(m) For removals, demotions, rejection during probation, decreases in pay, suspensions without pay and other forms of discipline of employees whose services are not satisfactory or who violate the provisions of the Article or the rules adopted to carry out the intent of this Article. Employees so discharged or disciplined shall have the right of appeal as outlined in this Article, and under the procedure outlined in the personnel rules.

(n) For maintenance of an official roster of employees showing for each employee, his name, address, birthdate, class, title, rate of pay and changes in any of these, and such other information as may be deemed desirable. Such a roster to be a matter of public record.

(o) For prompt reports by department heads of changes in positions authorized and of the incumbents therein, and of new positions and of attendance and absence which upon the approval of the City Manager shall form bases for audit and approval of payrolls by the Auditor or to compliance with this Article and the ordinances and rules thereunder.

(p) For the implementation, administration, enforcement, and disciplinary actions for the violation of this Article and ordinances and rules established thereunder.

SECTION 3. Definition of Classified Service: Classified and Exempt Services

The service of the City shall be divided into the Classified and Exempt Service.

(a) The Exempt Service shall comprise the following officers and positions:

1. All officers elected by the people.
2. All members of the several boards.
3. The City Manager and one position in the office of the City Manager whose salary and qualifications shall be set in the same manner as classified positions.
4. All Department Heads.
5. The City Attorney and his legal assistants.
6. All Municipal Judges.
7. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

(b) The Classified Service shall comprise all positions not specifically included in the Exempt Service.

(c) The employees of independent Boards and Commissions set up by the City Council may participate in the municipal personnel system upon application in writing of the governing board. Upon receipt of written application to be admitted to the system, the Personnel Board shall direct the Personnel Director to assist the department in drawing up an appropriate personnel classification and pay plan according to the terms of the Article and the rules of the Personnel Board. Upon adoption of the classification plan by the applying Board the employees in the classified service in the department shall be subject to the same rules, regulations and privileges as the other municipal employees and the governing board of the department shall

thereafter stand in the same relation to the Personnel Board as a department head in the selection, hiring, removal, or discipline of employees.

Same Additions and revisions

SECTION 4. Additions to or Revisions in the Classified and Exempt Services:

All new positions which hereafter are created and which are not specifically included in the Exempt Service shall be a part of the Classified Service unless the City Manager and the Personnel Board recommend, and the Council approves by resolution, that the new position be made a part of the Exempt Service.

The Council may, upon the recommendation of the City Manager and the Personnel Board, approve by resolution the changing of a position from the Exempt Service to the Classified Service.

If any vacancy exists in any department head position, same shall be filled by the appointing authority based on promotional examination from the ranks of the department in which the vacancy exists unless in the opinion of the Personnel Board insufficient competition exists for the vacancy.

Any officer in the Exempt Service who is removed by the appointing authority shall be restored to the grade in Classified Service which he held previously unless removal is for fraud, criminal behavior, etc., in which case charges shall be filed before the Personnel Board according to the normal procedure therefor.

Compensation

SECTION 5. The Council Shall by Ordinance Provide:

(a) For the adoption of a comprehensive compensation plan, for the financing of rates of pay of all employees in the Classified Service, and amendments thereto, on recommendation of the City Manager and the Personnel Board, and for its application and administration. Every appropriation and expenditure for personal service in any position in the Classified Service thereafter shall be made in accordance with the compensation plan so adopted.

(b) For appropriations for personnel and facilities adequate to provide for the effective administration and enforcement of the provisions of this Article and the ordinances and rules adopted thereunder.

Personnel Board

SECTION 6. Creation of a Personnel Board:

The Personnel Board shall consist of five members who shall be appointed by the Council in the following manner: one of the board members shall be appointed from a panel of three persons designated by a committee from the Police and Fire Departments. One of the board members shall be appointed from a panel of three persons designated by a committee representing the general employees, and the remaining three board members shall be appointed by the City Council as hereinafter provided. Designation of said panels shall be in writing and signed by duly authorized committee members.

The first Board to be appointed shall at its first meeting choose one of its members as Chairman, who shall serve for

one year and until a successor is elected. The Secretary to the Board shall be the Personnel Director. The members shall so classify themselves by lot that one of them shall serve for a term that shall expire July 1, 1952, one shall serve for a term that shall expire July 1, 1953, one shall serve for a term that shall expire July 1, 1954, one shall serve for a term that shall expire July 1, 1955, and one shall serve for a term that shall expire July 1, 1956. The regular term of office shall be five years.

Vacancies on the Personnel Board from whatever cause shall be filled by the Council. Every other (alternate) appointment shall be made from a panel of three names submitted by a committee representing all city employees. Members appointed to this board shall be subject to removal from said board for a just cause by six ninths vote of the Council prior to the expiration of the term for which they were appointed.

Members of the board shall have been qualified electors of the City of Richmond for at least three years and shall be persons sympathetic to the principles of modern personnel administration. No person shall be appointed to said board who holds any salaried public office or employment in the service of the City of Richmond, nor is a retired city employee, nor shall any member, while a member of the board or for a period of one year after he has ceased to be a member of the board, for any reason, be eligible for appointment to any salaried office or employment in the service of the city, or for appointment to any elective office in the city.

The members of this board shall serve without pay, and shall hold regular meetings monthly at such time and place as designated by the chairman of the board. The board, in addition, may hold such special meetings as the affairs of the board may require. Such special meetings shall be held upon the call of the chairman or any two members of the board. Three members shall constitute a quorum for the transaction of business, provided that all members of the board shall have been officially notified under rules established by said board for such notification.

SECTION 7. The Personnel Board Shall Have Power, and it Shall be its Duty: Same Powers and duties

(a) To hear any employee in the Classified Service, upon his request, who has been demoted, suspended, dismissed, rejected during probation or reduced in pay as follows:

No person placed under the Personnel System established by this Article shall be demoted, suspended if for more than thirty days in any one calendar year, dismissed, rejected during probation, or reduced in pay except by order of the Personnel Director made upon written charges by the council, the city manager, or the head of the department in which such person is employed, and served upon such person. Whereupon the person so charged shall have an opportunity of filing a written answer or explanation of the charges. Any person demoted, dismissed, suspended, rejected during probation, or reduced in pay may

within ten days from the date of his notification of the same file with the board a written demand for an investigation and public hearing within a period not to exceed thirty (30) days in accordance with rules and procedures established by the board. After such investigation the board may recommend to the city manager, suspension, modification or revocation of any order previously made by it suspending, demoting, rejecting during probation, or reducing in pay such a person. The city manager must act on the recommendation within fifteen (15) days. In cases of contrary action by the city manager, the board may submit its recommendation to the council. Recommendations of the board submitted to the council may be overriden only by a ⅔ vote of the council. (This is not to contravene the employee's right, if dissatisfied with any order or ruling of the board, and or council, to appeal to the Superior Court.)

(b) To make such inquiries and investigations as it may deem to be warranted regarding the administration and effect of the provisions of this Article and rules adopted in accordance therewith, and to make such recommendations to the city manager or to the council as in its judgment may be indicated by the circumstances.

(c) To advise the city manager on all matters of policy regarding the administration of the personnel system which the city manager may present to it, or which, in its judgment, may be indicated by the circumstances.

(d) To review, together with duly authorized employee representation and in a public hearing, all changes, additions or eliminations in the personnel rules, which are proposed for presentation to the council for approval, and to recommend for or against their adoption.

(e) To transmit to the council with such additions and comments as it may desire to make, annual and special reports.

(f) To entertain appeals on any matter arising under this Article by any aggrieved employee, or by the city, or any taxpayer. Neither the Personnel Board nor any of its members shall have power to take any action in these appeals except by majority vote of the entire board.

(g) Such rules and ordinances, or changes thereto, which are submitted by the city manager to the Personnel Board for review and recommendation, and which are approved by the Personnel Board, together with duly authorized employee representation, shall require only a simple majority vote of the council for adoption. These proposed rules or ordinances or changes thereto, which do not carry the recommendation of the Personnel Board, shall require an affirmative vote of six (6) council members in order to be adopted.

Director of Personnel

SECTION 8. The City Manager Shall Appoint a Qualified Director of Personnel, the Appointment to be Subject to the Affirmative Vote of the Personnel Board. The Director of Personnel Shall be Responsible for the Proper Administration of the Personnel System and its Operation. He Shall have the Power, and it shall be his Duty:

(a) To serve as Secretary of the Personnel Board, to see to the keeping of its minutes and records, to conduct investigations and prepare reports for the Personnel Board in matters under its consideration, and in all other proper ways to facilitate its actions and proceedings. Director of Personnel

(b) To appoint his assistants in the operation of the personnel system, and to direct and control their work, and under the customary financial procedures of the city, to control the expenditures from appropriations for the administration of the personnel system.

(c) To establish and maintain a roster of all city employees.

(d) To prepare, together with duly authorized employee representation, and to recommend for consideration by the Personnel Board, and the council, personnel rules, including a classification plan, and drafts of ordinances for recommendation to the Personnel Board and council, including such changes as are deemed desirable from time to time in such rules and ordinances.

(e) To allocate each position in the Classified Service to its proper class in the Classification Plan adopted under the provisions of this Article, and reallocate positions as the facts warrant.

(f) To develop and maintain class specifications, and to amend them from time to time as changing conditions warrant.

(g) To recruit candidates for employment, to pass upon qualifications of applicants, to conduct promotional and entrance examinations, to establish eligible lists which are to be in effect for two years unless exhausted earlier; for certification of eligibles and for appointments to positions in the classified service on the basis of such tests, subject to a work test period of probation of not more than six months or longer if prescribed by rule in initial appointments; eligibility lists are to be made a matter of public record at all times.

(h) To receive, record, transmit to and discuss with the employee concerned, written reasons for rejection during probation.

(i) To make such investigations as he may deem desirable with respect to the enforcement and effect of the provisions of this Article, and the personnel rules and related ordinances.

(j) To pass upon, for compliance with the provisions of this Article, the personnel rules and related ordinances, and to approve or disapprove as to compliance therewith, all appointments, demotions, transfers, promotions, service ratings, rejections, leaves of absence, changes in rates of pay, suspensions, separations and other employment transactions affecting the status of employees.

(k) To make annual reports to the Personnel Board for its approval and transmission to the council on the administration and effect of this Article, with such recommendations as he may deem desirable, and to render such special reports as the Personnel Board may request. Such reports shall be public record.

(*l*) For certification of pay rolls by the Personnel Director and for audit of all pay rolls by the auditor as conditions precedent to payment of any claim or account for personal services. The auditor shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service, unless the pay roll or account for such salary or compensation for services shall bear the certificate of the Personnel Director that the persons named therein have been appointed or employed in accordance with the provisions of this Article and of the ordinances and rules established thereunder, and the Personnel Director shall not approve the salary or compensation for services of any person appointed or employed in violation of the provisions of this Article or of ordinances or rules established thereunder.

(m) To do all other things necessary or proper for making effective the provisions of this Article, the personnel rules and ordinances adopted in pursuance thereof

(n) To conduct annually a wage and salary survey both in private industry and other public jurisdictions for the purpose of obtaining data on which to base recommendations for changes, if any are needed, in the compensation plan.

Incumbents

SECTION 9. Every person who, when this Article takes effect, is legally occupying, by proper appointment thereto, a position placed in the Classified Service by this Article, shall continue to occupy such position without examination, and shall become subject to the provisions of this Article, as though he had been appointed to the position occupied, under the provisions of this Article. The provisions of this section shall also apply to all persons who, on the date of acquisition of any public utility hereafter acquired by the city, are regularly employed by such utility.

Discrimination

SECTION 10. No person occupying a position in the Classified Service or seeking admission thereto, shall be employed, discharged or in any way favored or discriminated against because of race, or religious belief or political opinions or affiliations, or because of membership in or affiliation with a labor organization. For the purposes of collective bargaining and employee-management co-operation, employees shall have the right to organize and designate representatives of their own choosing.

No employee and no one seeking employment shall be required as a condition of employment, transfer, promotion, or retention in service to join or to refrain from joining any organization or association of employees.

There shall be no discrimination against representatives of employees nor shall employees suffer discrimination because of membership or non-membership in any organization or association of employees. The majority of the employees as a whole, may determine the organization, person or persons, who shall represent the employees as a whole. However, any professional group or craft or other appropriate unit shall have the right to

authorize the organization, person or persons who shall represent them.

SECTION 11. There shall be no improper political activity, as defined in the personnel rules to be hereinafter adopted, on the part of any employee in the Classified Service. City employees may not engage in political activities or services of any nature during the hours in which they are employed by the city; nor shall city funds, supplies, property, or equipment be utilized in performing any services of a political nature. Improper political activity

No officer or employee under the government of the city and no candidate for any city office, shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatever, from anyone on any eligible list or holding any position under the provisions of this Article.

SECTION 12. The council upon recommendation of the city manager and the Personnel Board, may contract with any competent public or private agency for the performance by such agency of any technical service in connection with the establishment of the personnel system or with its operation, as may be desired. Technical aid

SECTION 13. Any person who violates wilfully, or through culpable negligence violates or conspires to violate any provision of this Article, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment. The conviction of any employee or officer of such offense shall operate automatically to terminate his service and to vacate his position. Violation

SECTION 14. If any part of this Article is held by competent authority to be invalid such decision shall not affect the remaining portions of this Article, or if any provision herein is held to be in excess of that permitted by the constitution or the laws of the state, then such provisions shall be construed to operate only to the extent permitted. Severability

SECTION 15. All present and future ranks required for the best interests of the city in each of the city departments, shall be recognized in the rules, classifications, and compensation plans. Ranks

WHEREAS, the Board of Supervisors of the County of Contra Costa, State of California, having heretofore by resolutions directed that the canvass of the votes cast at said general election held on November 7, 1950 be canvassed by the County Clerk, and

WHEREAS, the County Clerk has canvassed all of the votes cast for all of the propositions at said November General Election and has certified to said Board and filed with said Board his statement of the results of said canvass; and said Board having directed that said statement and results of said canvass be incorporated with the minutes of said Board; and

WHEREAS, all of the Absentee Ballots voted in said election having been canvassed by said Board and said Board having been fully advised in the premises; and

WHEREAS, the Board of Supervisors of the County of Contra Costa, State of California has certified that the total number of votes cast in the County of Contra Costa, for the purposes above mentioned within the corporate limits of the City of Richmond was as follows:

Amendment "A"	YES	13,579
	NO	6,328
Amendment "B"	YES	14,753
	NO	5,348

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Richmond 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.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Richmond to be fixed this 26th day of December, 1950.

Attest:

(SEAL)

D. M. BRADLEY
Mayor of the City of Richmond
C. A. PITCHFORD
Clerk of the City of Richmond

State of California
County of Contra Costa } ss.
City of Richmond

I, Carroll A. Pitchford, do hereby certify as follows:

I am the duly appointed, qualified and acting City Clerk of the City of Richmond and that the foregoing is a true and correct copy of the Certificate of Ratification of Electors of the City of Richmond of Two Certain Charter Amendments, which certificate was duly made by the Mayor of the City of Richmond and the City Clerk of the City of Richmond on December 26, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Richmond this 26th day of January, 1951.

C. A. PITCHFORD
(SEAL) Clerk of the City of Richmond

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

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 members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Richmond 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 part of the charter of said City of Richmond. Approval

CHAPTER 33

Senate Joint Resolution No. 6—Relating to the All-American Canal Project.

[Filed with Secretary of State January 24, 1951.]

WHEREAS, The Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057) authorized the construction of the All-American Canal and made provision for Imperial Irrigation District, a political subdivision of the State of California, to assume the care, operation and maintenance of said canal upon the completion thereof; and Compliance with Boulder Canyon Project Act and Mexican Treaty

WHEREAS, Said act also granted the right to said district to utilize the power possibilities on said canal, the net proceeds therefrom to be applied against the district's obligation to repay to the Federal Government the construction cost of said canal; and

WHEREAS, Pursuant to the provisions of said act, before any moneys were expended by the Federal Government on or for the construction of said canal, Imperial Irrigation District entered into a contract with said government under date of December 1, 1932, by the terms of which said district was granted the right and required to assume the care, operation and maintenance of said canal upon the completion thereof and also the right to develop the power possibilities thereon; and

WHEREAS, The main All-American Canal has been completed and has been in operation for a number of years and the Secretary of the Interior has transferred the care, operation and maintenance to Imperial Irrigation District of all of said main canal except the upper section thereof, being that section from and including the diversion works on the Colorado River at Imperial Dam down to and including the Pilot Knob Check and Pilot Knob Wasteway; and

WHEREAS, Imperial Irrigation District has proceeded to develop the power possibilities on the section of the All-American Canal which it is operating and in connection therewith has acquired and is operating a complete power system serving the needs of all consumers of electric power in Imperial County and in Coachella Valley, Riverside County, California, served

Compliance with Act and Treaty

with water by the said canal but to date said district has been prevented by certain federal departments from developing the power possibilities at the Pilot Knob site on said canal, which is the most important and valuable power site to said district on said canal; and

WHEREAS, Over the past years, Imperial Irrigation District has requested the Secretary of the Interior to keep faith with the provisions of the Boulder Canyon Project Act and the district's contract of December 1, 1932, and turn over the care, operation and maintenance of the upper section of said canal to said district and grant permission for said district to develop the Pilot Knob power site (without expense to the United States); and

WHEREAS, The water treaty between the United States and Mexico dated February 3, 1944, grants to Mexico the right to receive a portion of its water by means of the All-American Canal and Pilot Knob Wasteway, such water to be carried from the point where the latter empties into the old Alamo Canal to the delivery point on the international boundary; and

WHEREAS, The amount of such water to be so delivered to Mexico is but a relatively small proportion of the total annual flow of the All-American Canal and need not interfere with the district's operation of the canal nor the development of power at the Pilot Knob site; and

WHEREAS, The United States does not have the right to the use of any of the capacity of the All-American Canal for such supplying of water to Mexico but Imperial Irrigation District does have surplus capacity in said canal down to Pilot Knob which it proposes to use in connection with the development of power at that point; and

WHEREAS, To remove any question as to possible conflict between said treaty and said district's contract, and also in a spirit of cooperation, said district has, by a proposal submitted to the Secretary of State in December, 1947, offered to make available without cost to either the Federal Government or the Mexican Government capacity in the All-American Canal down to the end of the Pilot Knob Wasteway and to transport to that point the water necessary to fulfill the requirements of said treaty under rules and regulations therefor to be promulgated by the Federal Government; provided, that the upper section of said canal is turned over to said district and it is permitted to develop the Pilot Knob power site, as provided for in said district's contract of December 1, 1932; and

WHEREAS, After concurrence by the Department of the Interior and the Department of Justice, the Secretary of State accepted said district's proposal in principle, subject only to a clarification of wording, and did so notify said district by letter dated August 4, 1948; and

WHEREAS, For reasons unknown to this Legislature, despite such acceptance the Secretary of State has recently turned the matter over to the Secretary of the Interior to decide who shall operate the upper section of the All-American Canal and

the latter has announced that the Bureau of Reclamation will handle such operation, without giving any valid reasons why and in total disregard of the Boulder Canyon Project Act and the district's contract of December 1, 1932; and Compliance with Act and Treaty

WHEREAS, Imperial Irrigation District has already suffered large financial losses caused by the Federal Government's refusal to permit said district to develop the Pilot Knob site and the Nation has lost hundreds of thousand of barrels of fuel oil used to generate power which otherwise would have been supplied by the Pilot Knob plant had the district been permitted to build it, which situation should be remedied without further delay; and

WHEREAS, This Legislature believes that the Federal Government should take every reasonable means to observe and keep faith with the contracts it makes with its people and that this principle is particularly important at this time of world crisis when our form of government is on trial before the world; and

WHEREAS, This Legislature believes in the principle of local control of public works to the greatest extent practicable, subject only to such reasonable rules and regulations by the Federal Government as may be necessary to protect the government's investment in such works; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Secretary of the Interior and the Secretary of State of the United States be memorialized to uphold the principles of our form of government in its dealings with Imperial Irrigation District under the terms of the Boulder Canyon Project Act, the contract with said district of December 1, 1932, and the treaty with Mexico dated February 3, 1944; and be it further

Resolved, That said two secretaries be memorialized to proceed under the principles of the proposal made to the Secretary of State by Imperial Irrigation District in December, 1947, in accordance with the acceptance thereof by said secretary as stated in letter of August 4, 1948 to said district, to the end that said district be permitted, without further delay, to assume the care, operation and maintenance of all of the main All-American Canal and to proceed with the development of the power site at Pilot Knob; and be it further

Resolved, That the Attorney General of California, the State Engineer, and all other officers of the State of California be and they are hereby directed to use all means within their power to carry out the objectives of this resolution and to assist Imperial Irrigation District in accordance therewith; 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 Secretary of State, the Secretary of the Interior, the Attorney General of the United States, the Commissioner of the Bureau of Reclamation and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 34

Senate Joint Resolution No. 9—Relative to the rights of the State of California to tide and submerged lands lying along the coast of California.

[Filed with Secretary of State January 24, 1951.]

State rights in tidelands

WHEREAS, There is now pending before the Supreme Court of the United States an action entitled United States v. California in which a master has been appointed for the purpose, among others, of determining the location of the mean low tide line along the coast of California; and

WHEREAS, A stipulation was entered into by the Attorney General of the United States and Attorney General of California on August 21, 1950, relative to the disposition of rentals, royalties and other payments received by the State of California from certain leases in the tide and submerged lands along its coast; and

WHEREAS, A demand has been made by the United States that there be deposited in the Treasury of the United States all moneys received from said leases on the tide and submerged lands along its coast; and

WHEREAS, The Legislature of California is considering enacting a law, being Assembly Bill No. 1878 of the 1951 Regular Session, providing for the transfer of all moneys received from the said leases after October 1, 1950, to the Treasury of the United States as provided in said stipulation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California declares that the sole purpose of said act, herein referred to as Assembly Bill No. 1878, is to provide temporarily for the efficient and economical development and production of oil and gas from tide and submerged lands along the coast of California pending final determination of the rights of the State of California in and to said lands; and be it further

Resolved, That the State of California hereby reasserts its claim to absolute ownership of all such tide and submerged lands and of the minerals and oil and gas therein and expressly reserves all of its rights thereto; and be it further

Resolved, That nothing in said Assembly Bill No. 1878 as enacted shall be construed as a waiver or relinquishment of any right or interest now held or claimed by the State of California in or to such lands, minerals and oil and gas; and be it further

Resolved, That the Legislature of the State of California hereby requests and urges the Congress of the United States to enact suitable legislation confirming the ownership of the State of California of said tide and submerged lands and of the minerals and oil and gas therein; and be it further

Resolved, That the Secretary of the Senate be 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 of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 35

Senate Concurrent Resolution No. 10—Relative to Joint Rules of the Senate and Assembly.

[Filed with Secretary of State January 26, 1951.]

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 1951 Regular Session of the California Legislature. 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

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules. Effect of adoption of Joint Rules

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 and joint resolutions

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 treated 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

Marking of changes

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

Distribution of 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. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations 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 one hundred fifty dollars ($150) at a General Session or twenty-five dollars ($25) at a Budget Session, 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 Judicial Council; the State Library; 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

Daily Journal

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

Same 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

16. A daily File of bills ready for consideration shall be printed each legislative day for each house. Daily File

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

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. Histories

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

18. The State Printer 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. Printing orders

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

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. Record of bills

Secretary and Chief Clerk Shall Endorse Bills

Endorsement

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse 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 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget 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

Conference Committees

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 chairman 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 the 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

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 24 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 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 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

34. Whenever the Legislative Council issues an opinion to any person other than the first named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

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 authorized for other elected state officers at the time the expense is incurred.

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 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 or statute 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, when such authorization may lawfully be made, 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. Investigating committees

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 ten cents ($0.10) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals in-

curred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of fifteen dollars ($15) 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.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of employees

36.1. Unless otherwise provided by respective House or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

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, which is hereby declared to be a continuing body. 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 four members appointed by the Committee on Rules. 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.

Any vacancies occurring between general 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 re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly 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 Member of the Assembly whose term is expiring whenever he is not re-elected 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.

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 Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the com-

Legislative Budget Committee

mittee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget 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 duties of the Legislative Auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Auditor under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. 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 the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee, or in the event of his inability to act, the vice chairman 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. Legislative Budget Committee

On and after the commencement of a succeeding general 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 with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor or any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Auditor upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requestor to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requestor or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requestor. In the event the committee refuses such authorization, he shall inform such requestor forthwith.

37.5. In addition to the duties hereinabove prescribed the Legislative Auditor is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties

which are not specifically authorized by the joint rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

Designation of sessions

39. Hereafter all regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Interhouse Cooperation

Joint Committee on Interhouse Cooperation

40. The Joint Committee on Interhouse Cooperation is hereby created. It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

CHAPTER 36

Senate Joint Resolution No. 3—Relative to memorializing the President and the Congress of the United States to declare Solano County, State of California, a critical defense area for the purpose of obtaining financing of housing construction.

[Filed with Secretary of State January 31, 1951.]

Solano County Declaration of critical defense area

WHEREAS, Numerous military and naval installations are located in Solano County in the State of California, including the Travis Air Force Base, the Benicia Arsenal, the Overseas Radio Station at Dixon, and those at Mare Island; and

WHEREAS, The mounting defense activities of the Nation have already caused and will continue to occasion a vast expansion in the activities of these installations; and

WHEREAS, As a concomitant of such expansion, a serious shortage of housing for the military, naval and civilian personnel required at these installations has developed; and

WHEREAS, This situation cannot be rectified without the assistance of the Federal Government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States are hereby memorialized to declare that an acute housing shortage exists in the County of Solano, State of California, which impedes the national defense activities and which cannot be alleviated without federal assistance; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the Senators and Representatives in Congress from the State of California, and to the Federal Housing and Home Finance Administrator.

CHAPTER 37

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States to provide for military access roads to Travis Air Force Base.

[Filed with Secretary of State January 31, 1951.]

Roads to Travis Air Base

WHEREAS, The Travis Air Force Base is located in Solano County in the State of California; and

WHEREAS, The mounting defense activities of the Nation have already caused and will continue to occasion a vast expansion in the activities of this installation; and

WHEREAS, The Travis Air Force Base at present is not adequately provided with means of ingress and egress, especially in conjunction with the State and National Highway Systems; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and Congress of the United States are hereby memorialized to provide for the construction of military access roads leading from the Travis Air Force Base and connecting with the State and Federal Highway Systems, and especially a military access road connecting with United States Highway Route 40; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 38

Senate Concurrent Resolution No. 28—Relative to John B. (Bing) Maloney.

[Filed with Secretary of State January 31, 1951.]

Death of John B (Bing) Maloney

WHEREAS, Countless people throughout California have suffered the loss of one of their outstanding heroes, Brigadier General John B. (Bing) Maloney, whose death last Sunday night saddened those of us who knew him as a great leader during war and peace; and

WHEREAS, Words are incapable of describing the physical and moral strength of this man, a native of Sacramento, who, while still in his teens, began his army career on the Mexican border, served valiantly in World War I, was a combat colonel in a majority of this Nation's campaigns in the Asiatic theater during World War II, receiving the Silver Star, Legion of Merit, and numerous other awards for his bravery; and

WHEREAS, These exploits and achievements did not deter Bing Maloney, as superintendent of Sacramento's recreational department while on inactive duty, from trail-blazing the development of recreational facilities for Sacramento students, and leading every worthy civic movement which was inaugurated; and

WHEREAS, Though suffering from a fatal illness contracted while overseas, that would force an ordinary person to be hospitalized, Bing Maloney chose to continue to direct and improve the recreational services of Sacramento with the same pace-setting vigor shown in his civic and military life; and

WHEREAS, Military honors and our gratitude can never compensate for the service he has given us at so great a personal sacrifice; and

WHEREAS, Bing Maloney is a credit to his Nation, his State, and his community—may he rest in peace; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does hereby express its deep sense of loss on the passing of John B. (Bing)

Maloney, and that when it adjourns today, it do so out of respect to his memory; and be it further

Resolved, That the Secretary of the Senate cause to be prepared, and transmit, a suitably engrossed copy of this resolution to the bereaved members of John B. (Bing) Maloney's family.

CHAPTER 39

Senate Concurrent Resolution No. 30—Relative to adjournment out of respect to the memory of Senator Chris N. Jespersen.

[Filed with Secretary of State March 13, 1951.]

Death of Chris N Jespersen

WHEREAS, Members of the Legislature were shocked and grieved to learn of the sudden passing of the Honorable Chris N. Jespersen who departed this life at Atascadero on February 21, 1951; and

WHEREAS, The Honorable Chris N. Jespersen was born April 5, 1890, in the City of San Luis Obispo, educated in the schools of his home community and was a farmer in San Luis Obispo County for approximately 25 years, subsequent to which he engaged in the real estate business, and was elected to the Assembly of the State of California in 1926, serving in that body until 1932, when he was elected to the Senate, wherein he served continuously to the time of his death; and

WHEREAS, The Honorable Chris N. Jespersen was a diligent student of public affairs, a courageous and constant champion of such causes as enlisted his support, being particularly interested in education of the youth and deeply concerned with the problems of the poor and unfortunate; and

WHEREAS, The Honorable Chris N. Jespersen during his many years as a distinguished member of the California Legislature endeared himself to his fellow members by a kindly and friendly disposition and a genuine interest in the welfare of his fellowmen; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature feels that the State of California has suffered a distinct loss in the passing of this forthright statesman, and desires by this resolution to convey to the bereaved family its deepest sympathy; and be it further

Resolved, That when the Legislature shall adjourn from its labors on this twelfth day of March 1951, it shall do so in honor of the memory of the Honorable Chris N. Jespersen; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have prepared suitably engrossed copies of this resolution and forward the same to the members of the bereaved family.

CHAPTER 40

Assembly Concurrent Resolution No. 28—Approving Charter Amendment No. 30 to the charter of the City of Palo Alto, County of Santa Clara, State of California, voted for and ratified by the qualified electors of the said City of Palo Alto at a special municipal election held therein for that purpose on the seventh day of November, 1950.

[Filed with Secretary of State March 14, 1951.]

City of Palo Alto Charter amendment

WHEREAS, The City of Palo Alto, in the County of Santa Clara, State of California, contains a population of more than 3,500 inhabitants, and less than 50,000 inhabitants, and has been ever since the year 1909, and now is, 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 a majority of the qualified electors of said city, at a special election held for that purpose on the twenty-first day of January A.D. 1909, and approved by the Legislature of the State of California on the twentieth day of February, 1909 (Statutes of 1909, page 1175); and

WHEREAS, The City Council of the City of Palo Alto did by ordinance duly adopted by said city council and approved by the mayor of said city on the eleventh day of September, 1950, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city, Charter Amendment No. 30 to the charter of the City of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the seventh day of November, 1950; and

WHEREAS, Said proposed amendment was published in a daily newspaper printed and published in the City of Palo Alto, having one edition, and having a general circulation therein, to wit: the Daily Palo Alto Times; said publication being on the twenty-first day of September, 1950; and

WHEREAS, The city council of said city did, by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in the City of Palo Alto on the seventh day of November, 1950; said day being not less than 40 days and not more than 60 days after the completion of the advertising of said charter amendment in the official newspaper, to wit: the Daily Palo Alto Times, a daily newspaper of general circulation published and circulated in said city; and did provide in said ordinance for the submission of the proposed Charter Amendment No. 30 to the qualified electors of said city for their ratification at said election.

WHEREAS, Said election was duly called and was held and consolidated with the State of California State and County General Election held on said seventh day of November, 1950,

and at said election the majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said Charter Amendment No. 30 to said city charter; and

WHEREAS, The County Clerk of the County of Santa Clara, in accordance with the law in such cases made and provided, did duly canvass the returns of said election as certified by the election boards, and duly stated the result of said Charter Amendment No. 30 tc the charter of the City of Palo Alto as follows: 7,922 votes in favor of said amendment, and 816 votes against said amendment; that thereafter, on the fourth day of December, 1950, the Board of Supervisors of the County of Santa Clara did meet and declare the vote to be as shown on said statement of all votes cast at said general election; and

WHEREAS, Said Charter Amendment No. 30 so ratified by the majority of the qualified electors of said city voting at said election is in words and figures as follows, to wit:

CHARTER AMENDMENT NUMBER 30

Article VIII A shall be added to the Charter of the City of Palo Alto and shall read as follows:

"ARTICLE VIII A

BOARD OF EDUCATION

Board of Education

Section 1. The Board of Education of the Palo Alto Unified School District shall consist of five members who are residents of the territory of the unified school district, or any additions thereto. They shall serve without compensation.

Section 2. (a) The members of the Board of Education holding office when this amendment takes effect shall continue in office until their respective terms of office shall expire and until their successors are elected and qualified.

(b) The election of members of the Board of Education shall be held at the times and in the manner provided by the Education Code of the State of California; provided, however, in the year 1951 five members shall be elected and the members so elected shall classify themselves by lot so that the terms of the members shall expire, respectively, one, two, three, four and five years after the first day of July, 1951.

(c) The term of office of the members of the Board of Education, except as provided in Section 2, subsection (b), of this Article, shall be five years from and after the first day of July succeeding their election and until their successors are elected and qualified

(d) Vacancies on the Board of Education shall be filled by appointment by the Board and such appointee shall hold office until the next regular election of members of the Board and until their successors are elected and qualified. At said next regular election succeeding any vacancy, a member shall be elected to serve for the unexpired term and until his successor is elected and qualified.

Section 3. The powers and duties of the Board of Education shall be those prescribed by the Constitution, Education Code, and general laws of the State of California, as they may now exist or may hereafter be amended.

Section 4. The Board of Education shall appoint a Superintendent of Schools. He shall be the chief executive officer of the board and shall enforce all rules and regulations of the board and the Education Code of the State. He shall also act as ex-officio secretary and clerk of the board."

WHEREAS, The said proposed Amendment No. 30 to the Charter of the City of Palo Alto so ratified is 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.

STATE OF CALIFORNIA }
County of Santa Clara } ss
City of Palo Alto }

Certificate

This is to certify that we, Walter S. Gaspar, Mayor of the City of Palo Alto, and Winifred Kidd, Clerk of said city, have compared the foregoing proposed and ratified Charter Amendment No. 30 to the Charter of the City of Palo Alto with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose, on Tuesday, the 7th day of November, 1950, 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 such amendment to said Charter are and each of them is true.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In Witness Whereof, we have hereunto set our hands and caused the corporate seal of the City of Palo Alto to be attached this 5th day of February, 1951.

WALTER S. GASPAR
(SEAL) Mayor of the City of Palo Alto
WINIFRED KIDD
City Clerk of the City of Palo Alto

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 therefor and concurring therein, That said amendment to the charter of the City of Palo Alto 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 Palo Alto.

CHAPTER 41

Assembly Concurrent Resolution No. 19—Relative to congratulating Lloyd Lapham.

[Filed with Secretary of State March 14, 1951]

Lloyd Lapham

WHEREAS, Lloyd Lapham of the United Press is about to leave Sacramento to go to Washington, D. C., where he will report on congressional and departmental affairs affecting the western states; and

WHEREAS, Lloyd Lapham was born in Sacramento County in Fair Oaks in 1913 and obtained his education in the local schools, including Sacramento Junior College, and at Stanford University. After completing his education he was employed by the Sacramento Union. He commenced work for the United Press in January, 1939, first covering the session of the Nevada State Legislature and then coming to Sacramento to cover a portion of the session of the California Legislature in that year; and

WHEREAS, Lloyd Lapham has served continuously in Sacramento since 1939, except for brief departures, and has been Bureau Manager of the United Press in the State Capitol since July, 1943; and

WHEREAS, During this period Lloyd Lapham has made many sincere friends in both houses of the Legislature, all of whom will miss him sorely on his departure but congratulate him nevertheless on his promotion involving greater responsibilities and a wider field of activity; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Senate and Assembly hereby congratulate Lloyd Lapham on his promotion to a position with the United Press in Washington, D. C., and sincerely extend their best wishes for success and happiness in his new field of endeavor.

CHAPTER 42

Senate Joint Resolution No. 14—Relative to memorializing Congress, protesting the proposed increased tax on wine.

[Filed with Secretary of State March 14, 1951]

Protest re wine tax increase

WHEREAS, It has been proposed that the Congress of the United States increase the federal tax on table wines from fifteen cents ($0.15) to fifty cents ($0.50) a gallon and on dessert wines from sixty cents ($0.60) to one dollar fifty cents ($1.50) a gallon; and

WHEREAS, The growing of grapes, raisins, and wines is a key part of this State's economy and the most important division of the great California fruit growing industry, alone providing employment for 111,000 workers and returning over one hundred fifty-six million dollars ($156,000,000) to growers in 1950; and

WHEREAS, The grape and wine industry has been placed in danger of economic ruin by these recommendations to Congress that the excise tax on table and dessert wines be so increased by 150 percent to 233 percent, increases far exceeding those proposed for other beverages; and

WHEREAS, This would mean an increase in the federal tax burden on grapes from the present twenty-four dollars ($24) to forty-eight dollars ($48) per ton to the prohibitive figures of eighty dollars ($80) to one hundred twenty dollars ($120) a ton; and

WHEREAS, This would be far out of proportion to the taxes borne by other farm commodities and much the heaviest tax burden ever placed on any American farm product; and

WHEREAS, These tax increases, if enacted, would place wine in a luxury category and out of the reach of middle and low income groups now constituting 80 percent of the wine market and would completely disrupt orderly marketing of wine and destroy the largest single commercial outlet for grapes; and

WHEREAS, Such increases by destroying the grape and wine industry's ability to survive economically would lead to diminishing returns and not contribute to the national welfare but rather eliminate an important present source of federal tax revenues; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized to refuse enactment of the proposed discriminatory and excessive increase in federal taxes on wines that would be so disastrous to agriculture in this State, and that would fail to accomplish the intended purpose of increasing the national revenue; and be it further

Resolved, That the Secretary of the Senate is hereby 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.

CHAPTER 43

Senate Joint Resolution No. 13—Relative to proposed discriminatory and excessive increases in the federal tax on wine.

[Filed with Secretary of State March 14, 1951.]

Protest re wine tax increase

WHEREAS, A recommendation has been made to the Congress of the United States to increase the present excise tax on table wines by 233 percent, from fifteen cents ($0.15) to fifty cents ($0.50) a gallon, and on dessert wines by 150 percent, from sixty cents ($0 60) to one dollar fifty cents ($1.50) a gallon; and

WHEREAS, Such an increase would have the effect of raising the federal tax on grapes from the price of twenty-four dollars ($24) to forty-eight dollars ($48) a ton to eighty dollars ($80) to one hundred twenty dollars ($120) a ton, which is entirely out of proportion to the taxes borne by other farm commodities; and

WHEREAS, Approximately 158,000 American farm families are directly dependent on their vineyard property for their support and under the existing law the tax burden is greater than the amount that grape growers are receiving for producing, harvesting, and hauling their grapes to the winery; and

WHEREAS, The proposed increase in the excise tax on wine would virtually destroy the largest market for grapes and would also completely disrupt the market for fresh table grapes and raisins, thereby resulting in economic chaos throughout the grape-growing regions of this State and of the Nation; and

WHEREAS, The proposed increase in the excise tax on wine will drastically curtail wine consumption by making wine out of reach of the lower income groups who buy the largest percentage of wine consumed today, and such curtailment will lead to diminishing tax returns and will greatly jeopardize the welfare of thousands of growers and farm workers, thereby eliminating a large source of federal income tax; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized to refuse enactment of the proposed discriminatory and excessive increase in federal taxes on wines that would be so disastrous to agriculture in this State, and that would fail to accomplish the intended purpose of increasing the national revenue; and be it further

Resolved, That the Secretary of the Senate is hereby 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.

CHAPTER 44

Senate Joint Resolution No. 15—Relative to proposed increases in wine excise taxes.

[Filed with Secretary of State March 14, 1951]

Protest re wine tax increase

WHEREAS, The Secretary of the Treasury has proposed to the Ways and Means Committee of the United States House of Representatives that the present excise tax on table wines be increased by 233 percent, from fifteen cents ($0.15) to fifty cents ($0.50) a gallon, and on dessert wines by 150 percent, from sixty cents ($0.60) to one dollar fifty cents ($1.50) a gallon; and

WHEREAS, The growing of grapes is a state-wide agricultural industry involving a total investment exceeding half a billion dollars ($500,000,000) and 506,000 acres of vineyards providing year-round and seasonal employment to 111,000 workers whose annual wages in 1950 totaled one hundred fifty-seven thousand dollars ($157,000); and

WHEREAS, Tax increases of such magnitude would place a tax burden of eighty dollars ($80) or more per ton on grapes grown for table wines as compared to the present tax burden of twenty-four dollars ($24) a ton, and a tax burden of one hundred twenty dollars ($120) a ton on grapes grown for dessert wines as compared to the present tax burden of forty-eight dollars ($48) a ton, which is unreasonably disproportionate to that borne by any other agricultural food product and equivalent to several times the average price of forty dollars ($40) a ton received by California grape growers during the last four seasons; and

WHEREAS, Such an unwarranted and discriminatory increase in taxation would have a disastrous effect upon the agricultural economy of this State and particularly upon the California central coast counties of Napa, Sonoma, Mendocino, Lake, Santa Clara, Santa Cruz, Alameda, San Benito, Solano, San Luis Obispo, Contra Costa, Monterey, and Marin in which a large proportion of the dry table wines consumed in this Country are produced; and

WHEREAS, The proposed increase in this excise tax on wine would not only virtually destroy the largest market for grapes but would also completely disrupt the market for fresh table grapes and raisins, thereby resulting in economic chaos throughout all the grape-growing regions of this State; and

WHEREAS, The proposed tax increase would result in an unreasonable and unfair change in the historical tax ratio between wine and distilled spirits and beer, particularly on the least profitable industry in this field and the one that receives the smallest percentage of the consumer dollar spent for alcoholic beverages; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to refuse to enact proposed discriminatory and unwarranted increases in federal taxes on wines as proposed by the Treasury Department and to accord fair and reasonable treatment to wines in the matter of taxation; and be it further

Resolved, That the Secretary of the Senate is hereby 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.

CHAPTER 45

Senate Concurrent Resolution No. 31—Relative to the passing of Maurice E. Harrison.

[Filed with Secretary of State March 14, 1951.]

Death of Maurice E Harrison

WHEREAS, This Nation is ever in need of men who unselfishly promote the welfare of their community and of the Nation; and

WHEREAS, Such a man was Maurice Edward Harrison so that his untimely passing on February 10, 1951, is to be mourned by the citizens of his community and of this State; and

WHEREAS, Maurice Harrison, born in San Francisco on August 1, 1888, chose as his life's work the profession of law, a profession in which he distinguished himself nationally, and to which he has left a heritage of outstanding service; and

WHEREAS, Devoted to civic welfare, Maurice Harrison held many important posts within and outside his profession, which he executed with a degree of enthusiasm and ability that brought upon him academic honors, national recognition in political affairs, and decoration by the French Government; and

WHEREAS, Among many distinctions, he served as Dean of Hastings College of the Law in San Francisco, president of the Bar Association of San Francisco, chairman of the Democratic State Central Committee, and a regent of the University of California; and

WHEREAS, Maurice Edward Harrison, was in life truly a scholar and a gentleman; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature take this means of according recognition to the outstanding public service of Maurice E. Harrison, and extend to his surviving family profound sympathy in the loss of a beloved husband and father; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Margaret Hayne Harrison, widow of Maurice E. Harrison, to his daughters, Mrs. Sally H. Meyer, Mrs Margaret Washburn, and Mrs. Lucy Campbell, to his son, Maurice E. Harrison, Jr.; to his sisters, Mrs. Teresa H. Lawson, Mrs. Mary H. Cobb, and Mrs. Agnes van der Leck; and to his brothers, Gregory H. Harrison—who was his partner in the firm of Brobeck, Phleger & Harrison—and Edward T. Harrison.

CHAPTER 46

Assembly Concurrent Resolution No. 31—Approving the charter of the City of Modesto, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourteenth day of February, 1951.

[Filed with Secretary of State March 15, 1951.]

City of Modesto Charter

WHEREAS, The City of Modesto, in the County of Stanislaus, State of California, contains a population in excess of

3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Modesto for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Modesto, all as set forth in the following certificate of the mayor and city clerk of said City of Modesto to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF MODESTO IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA }
COUNTY OF STANISLAUS } ss.
CITY OF MODESTO }

Certificate

We, the undersigned, Carl W. Shannon, Mayor of the City of Modesto, County of Stanislaus, State of California, and Rex E. Gailfus, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said Rex E. Gailfus, was at all the times herein mentioned, the Clerk of the Legislative body of the City and City Clerk of said City of Modesto; that heretofore and prior to the 13th day of December, 1950, the said City Council of the City of Modesto did cause to be framed a proposed charter for its own government, and on the 13th day of December, 1950, at a regular meeting of said City Council of said City, said City Council by Resolution No. 9234N.S ordered said City Clerk to place the proposition of the adoption of said proposed charter and the propositions of adopting alternative sections 800 and 1305 thereto on the ballot at a special municipal election ordered in the City of Modesto for the 14th day of February, 1951, for the purpose of submitting said propositions to the electors of said City of Modesto, and which resolution ordered that said charter be filed with the City Clerk of the City of Modesto; that said proposed charter of the City of Modesto, consisting of Pages 1 to 33, was filed in the office of the City Clerk in the City Hall at Modesto, on the 13th day of December, 1950, and said resolution further ordered that the adoption of the charter and the alternative propositions should be submitted to the electors at said special municipal election held on the 14th day of February, 1951, and directed that said City Clerk publish said proposed charter and the alternative propositions in the "Modesto Bee", a newspaper of general circulation, printed and published in the City of Modesto; that the City Clerk was further directed to give notice to the electors of the City of Modesto that if both the proposed charter and the alternative propositions thereto were approved by a majority of the voters voting on each of said propositions at said election, such alternative propositions would prevail over the provisions relating the to same subject matter

contained in the proposed Charter; that said notice was given by the said City Clerk in the notice hereafter referred to informing the electors that copies of the Charter could be secured at the City Hall; Certificate

That said proposed charter and the two alternative propositions were published pursuant to said order in said newspaper and in each edition thereof during the publication on the 26th day of December, 1950, said newspaper being of general circulation in said City of Modesto; that the date of such publication was within fifteen days after the said charter was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter and alternative propositions, to-wit: February 14, 1951, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper, as aforesaid;

That until the day fixed for the election there was advertised in the "Modesto Bee", a newspaper of general circulation printed and published in the City of Modesto, a notice that copies of said charter were available in the office of the City Clerk of the City of Modesto and could be secured upon application therefor at said office; that such copies were so available;

That the population of said City of Modesto is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said election was duly and regularly called and held on the 14th day of February, 1951;

That at said election a majority of the qualified voters voting hereon voted in favor of said proposed charter and for the ratification and adoption thereof and in favor of each of the two alternative propositions;

That the said City Council of the City of Modesto at a meeting held on February 21, 1951 at the time and in the manner provided by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and in favor of each of the two alternative propositions and for the ratification and adoption thereof, and that the same were adopted and ratified by more than the majority of the qualified voters of the City of Modesto voting thereon, as follows, to-wit:

Votes in favor of the adoption and ratification of said proposed charter	2,310
Votes against the adoption and ratification of said proposed charter	422
Votes in favor of the adoption of alternative section 800 of said proposed charter	1,667
Votes against the adoption of alternative section 800 of the proposed charter	952

Votes in favor of the adoption of alternative section 1305 of the proposed charter 1,664
Votes against the adoption of alternative section 1305 of the proposed charter 970

That as alternative section 800 received a majority of votes of the qualified electors voting thereon in favor thereof said alternative section 800 replaces the corresponding section as published in the body of the charter and section 800 of the Charter shall read as follows:

City Manager

Section 800. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed for an indefinite term by the Council and shall serve at the pleasure of the Council, provided that he shall not be removed from office except by the affirmative vote of at least four members of the Council. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City.

No resident of Stanislaus County, at the time this Charter becomes effective shall be appointed City Manager within twelve (12) months thereafter. The City Manager shall be appointed within ninety (90) days after this Charter becomes effective

That as alternative section 1305 received a majority of votes of the qualified electors voting thereon in favor thereof said alternative section 1305 replaces the corresponding section as published in the body of the Charter and section 1305 of the Charter shall read as follows:

Tax limit

Section 1305. Tax Limit. (a) *General.* The Council shall not levy a property tax for municipal purposes for any fiscal year in excess of $1.25 on each $100 of assessed value of the taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of the majority of the electorate voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) *Under County Tax System.* In any fiscal year during which the City avails itself of the County System of property tax assessment and collection, the Council shall have the power to levy a property tax for municipal purposes at a rate which will raise an amount of money equal to, but not in excess of the sum which could have been raised by applying a tax rate of $1.25 per $100 of assessed value to the total assessed value of the taxable property in the City as last determined by the City Assessor, plus the total assessed value, as determined by the County Assessor, of all property within the City which

has been added to the County tax assessment roll after the City tax assessment roll was last determined by the City Assessor.

(c) *Additional Taxes.* There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for the payment thereof is made:

1. A Tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City;

2. A tax sufficient to meet all obligations of the City to the State Employees' Retirement System for retirement of the City employees, if any, due and unpaid or to become due during the ensuing fiscal year.

(d) *Special Levies.* Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each $100 of the assessed value of the taxable property in the City:

1. For the support and maintenance of free public libraries and reading rooms, Twenty cents (20¢).

The proceeds of any such special levy shall be used solely for the respective purposes for which it is levied.

That said election was held in accordance with the existing Charter of the City of Modesto and in accordance with the laws of the State of California where applicable;

That in all matters and in all things pertaining to said Charter, all of the provisions of Section 8; Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

That said Charter so prepared, proposed, submitted, ratified and adopted with alternative sections 800 and 1305 inserted therein is in the words and figures following, to-wit:

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THE CHARTER OF THE CITY OF MODESTO

We, the people of the City of Modesto, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Article I. Incorporation and Succession

Section 100. Name of the City. The municipal corporation now existing and known as the City of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Modesto. Name

Section 101. Boundaries. The boundaries of the City of Modesto shall continue as now established until changed in the manner authorized by law. Boundaries

Section 102. Rights and Liabilities. The City of Modesto shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. Rights and liabilities

Section 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority. Ordinances

Continuance of contracts, public improvements

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Pending actions, proceedings

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Incumbents

Section 106. Continuance of Present Officers and Employees. The members of the City Council and Board of Education in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed or their successors are appointed in their place.

Article II. Powers of the City.

General powers

Section 200. General 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, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The City shall have the power to expend a sum not to exceed $1000.00 in any one year for the celebration of the anniversary of the independence of the United States, and to expend such sum as the City Council shall deem proper not to exceed five per centum of the property tax levy in one fiscal year for music, publicity and promotion.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

Procedures

Section 201. Procedures. The City shall have the power and may act pursuant to any procedure established by any law of the State, unless a different procedure is established by this Charter, or by Ordinance.

Article III. Elections.

General municipal elections

Section 300. General Municipal Elections. General Municipal Elections for the election of officers and for such other purposes as the Council may prescribe, shall be held in said City on the second Tuesday in April of each odd numbered year, commencing with the year 1951.

Special municipal elections

Section 301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of general law, or by Ordinance, shall be known as special municipal elections.

Procedure

Section 302. Procedure for Holding Elections. Unless otherwise provided by Ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class, in so far as the same are not in conflict with this Charter.

Initiative, referendum, recall

Section 303. The Initiative, Referendum and Recall. Except in so far as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City in so far as the same are not in conflict with this Charter.

Article IV. Form of Government.

"Council-Manager"

Section 400. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

Article V. The Elective Officers.

Enumeration

Section 500. Enumeration. The elective officers of the City of Modesto shall be a Mayor and six Councilmen, and five members of the Board of Education.

The Council shall consist of the Mayor and six councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

Elected at large

Section 501. Elected at Large. The Mayor and Councilmen shall be elected at the general municipal election on a general ticket from the City at large.

Vacancies

Section 502. When Offices Become Vacant. An elective office becomes vacant when the incumbent thereof dies, resigns,

is removed from office under recall proceedings, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within the time prescribed by the provisions of this Charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

Article VI. The Mayor.

Term

Section 600. Term of Office. The Mayor shall hold office for a term of four (4) years from and after the first Tuesday following his election and until his successor is qualified and elected.

Powers and duties

Section 601. Powers and Duties. The Mayor shall be President of the City Council and shall preside at all its meetings and perform such other duties consistent with his office as may be imposed by the Council or by vote of the people. He shall be entitled to, and must 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. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce laws.

Additional duties

Section 602. Additional Duties. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the Council, except as limited by this Charter.

Mayor pro tempore

Section 603. Mayor Pro Tempore. The Council shall elect one of its members to be Vice President. During the temporary absence or disability of the Mayor, the Vice President of the Council shall act as Mayor Pro Tempore. In case of the temporary absence or disability of both the Mayor and the Vice President, the Council shall elect one of its members to be Mayor Pro Tempore. In case of vacancy in the office of Mayor, the Vice President of the Council shall act as Mayor until such vacancy can be filled as provided in this Charter.

Article VII. The Council.

Term of office

Section 700. Councilmen. Term of Office. Except as otherwise provided in this Section, the councilmen shall hold office for a term of four (4) years from and after the first Tuesday following their election, and continuing until their successors are elected and qualified.

The vacancies on the Council caused by the increase in number of councilmen (exclusive of the Mayor) from four to six shall be filled at a general or special municipal election which shall be held within three months after the approval of this Charter by the Legislature Of the two councilmen elected within

said three months, the one receiving the greatest number of votes shall hold office until 1955 and the one receiving the next largest number of votes shall hold office until 1953, or until their successors are elected and qualified.

One additional Councilman shall be elected at the general municipal election in 1951 to succeed the present appointed member of the Council, which elected successor shall serve until 1953, or until his successor is elected and qualified.

Two additional councilmen shall be elected at the general municipal election in 1951. Three councilmen shall be elected at the general municipal election in 1953 and at each general municipal election thereafter.

A Mayor shall be elected at the general municipal election in 1951 and at each alternate general municipal election thereafter.

Ties among candidates for any office shall be settled by the drawing of lots.

Eligibility

Section 701 Eligibility No person shall be eligible to be nominated for or to hold office as a member of the Council or as Mayor unless he is and shall have been for at least three (3) years preceding his election or appointment, a resident and qualified elector of the City of Modesto or of territory annexed thereto.

Vacancies

Section 702. Vacancies. If a vacancy shall occur in the office of Mayor or Councilmen, the Council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 701 of this Article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election or at the first succeeding special municipal election, called for any other purpose, or as otherwise provided in recall proceedings for the recall of an officer, which election shall not take place less than forty (40) days after such vacancy occurs. Such successor shall hold office for the unexpired term of the former incumbent.

In the event that the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Compensation

Section 703. Compensation. The Mayor and councilmen shall receive no compensation for their services as such except to the extent heretofore or hereafter approved by the electorate, but the Mayor and members of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty.

Other office

Section 704. Councilman to Hold No Other Office. No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while he is a member thereof, until one year after the expiration of the term for which he was elected.

Oaths, subpoenas

Section 705. Administering Oaths. Subpoenas. Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this state.

Governing body

Section 706. Governing Body. All powers herein granted to and vested in the City of Modesto shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of Modesto. Said Council shall be the governing body 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.

Meetings

Section 707. Meetings of Council. The Council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Same Public

Section 708. Meetings to be Public. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Quorum

Section 709. Quorum. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business.

Rules

Section 710. Rules of Proceeding. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the Council meetings.

Method of action

Section 711. Ordinances and Resolutions. Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution.

Record of vote

Section 712. Ayes and Noes. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. All members, when present, must vote.

Majority vote

Section 713. Majority Vote of Council. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the Council.

Title

Section 714 Title. Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

Enacting clause

Section 715 Enacting Clause of Ordinances. The ordaining clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Modesto does ordain as follows," and the ordaining clause of all ordinances

adopted by the people shall be, "The People of the City of Modesto do ordain as follows."

Requirements

Section 716. Requirements of Ordinances. Emergency Ordinances. With the sole exception of ordinances which take effect upon adoption referred to in this article, no ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the City of Modesto at least three (3) days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of the foregoing sentence.

Emergency

Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

Requirement

Section 717. Ordinance Required in Certain Cases. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding fifteen hundred dollars; for the appropriation, acquisition or sale of public property, except as herein provided, or for a lease for more than one year; for levying of any tax or assessment for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions shall be observed as may be provided for in cases when the Council takes action in pursuance of a general law of the state, including among such exceptions the expenditure of money or the acquisition of property as the result of the issuance and sale of municipal bonds.

Reconsideration

Section 718. Reconsideration. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council, held not less than one week after the meeting at which such motion was made.

Execution

Section 719. Signing and Attesting. All ordinances shall be signed by the Mayor and attested by the City Clerk.

Revision amendment

Section 720. Revision and Amendment. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal

Section 721. Repeal. No ordinance nor section thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter.

Effective date

Section 722. Ordinances. Effective Date. No ordinance adopted by the Council shall become effective until fifteen days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article;

(e) An ordinance annexing areas to the City; or

(f) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Record

Section 723. Record of City Ordinances. A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Codification

Section 724. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section

Article VIII. The City Manager.

City Manager

Section 800. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed for an indefinite term by the Council

and shall serve at the pleasure of the Council, provided that he shall not be removed from office except by the affirmative vote of at least four members of the Council. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. He need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City.

No resident of Stanislaus County, at the time this Charter becomes effective shall be appointed City Manager within twelve (12) months thereafter. The City Manager shall be appointed within ninety (90) days after this Charter becomes effective

Powers and duties

Section 801. Powers and Duties The City Manager shall be head of the Administrative Branch of the City government He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except as otherwise provided by this Charter, and except as he may authorize the head of any department or office to appoint or remove subordinates in such department or office.

(2) Prepare the budget annually and submit it to the Council and be responsible for its administration after its adoption.

(3) Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.

(4) Supervise preparation of the assessment roll and to make recommendations regarding the same to the Council.

(5) Establish a centralized purchasing system for all City offices, departments and agencies, and act as Purchasing Agent for the City.

a Give preference to local merchants, quality and price being equal;

b. Establish and enforce specifications for supplies, materials and equipment required by the City;

c. Inspect all supplies and determine if the same are up to specifications;

d. Transfer equipment and supplies between departments and, with approval of the City Council, sell obsolete or unused personal property of the City.

(6) Prepare rules and regulations governing the contracting for, purchasing, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the Council for its adoption by ordinance.

(7) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

Powers and duties

(8) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable.

(9) To make and execute contracts on behalf of the City involving budgeted or appropriated expenditures of $1500.00 or less.

(10) To appoint advisory boards, without compensation, to assist him in performance of his duty, if he deems it necessary.

(11) To interchange employees between or among departments if he deems it proper so to do.

(12) To immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and moveable property of every kind and nature belonging to the City; and to require each officer or department head to inventory the same or any portion thereof. One copy of such inventory shall be filed with the City Council and one with the auditor.

(13) To act as and be custodian of all City property, custody of which has not been otherwise provided for.

(14) The Council shall have the right to instruct the City Manager in matters of policy and any action, determination or omission of the City Manager shall be subject to review by the Council, but no such action, determination or omission shall be overruled or modified by a vote of less than four-sevenths of the members of said Council.

(15) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The City Council shall appoint one of the other officers of the City to serve as Manager Pro Tempore during any absence or disability of the City Manager.

Article IX. Officers and Employees.

Officers and employees

Section 900. Officers and Employees. General. The officers of the City of Modesto shall consist of a Mayor, the Council, the Board of Education, a City Manager, a City Clerk, a City Attorney, a City Judge, a City Auditor, and such other or subordinate officers, assistants, deputies and employees as the Council may deem necessary to provide by ordinance or resolution. The City Clerk, the City Attorney, the City Auditor, and the City Judge, shall be appointed by and may be removed by the affirmative votes of four members of the Council. The City Manager shall be appointed and removed as provided by Section 800 of this Charter. All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Duties

Section 901. Duties of Officers and Employees. After obtaining and considering the recommendations of the City

Manager, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and employees of the City.

Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment by the Council.

Notwithstanding the foregoing, the Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of this Charter providing for the function of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Section 902. Compensation of Officers and Employees. The compensation of all City officers and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him in connection with his official duties shall be paid by him into the City Treasury. Compensation

Section 903. Oath of Office. Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk. Oath

Section 904. Official Bonds. The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. Bond

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

Section 905. Illegal Contracts Financial Interest. No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, 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, that any member of a board or commission serving without compensation may Self interest

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 wilful violation of any of the foregoing provisions shall be deemed a misdemeanor. Any contract or agreement made in contravention of this section shall be void.

Nepotism

Section 906 Nepotism. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position.

Political, religious tests

Section 907. Political and Religious Tests. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no appointment to any position under the City government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

Article X Executive and Administrative Departments.

Delegation

Section 1000. Assignment of Powers. Organization. After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance, not inconsistent with this Charter, for the organization, functions, conduct and operation of the several offices and departments of the City, and may provide for the creation of additional departments, divisions, offices and agencies, and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of divisions, offices and agencies to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Health Department

Section 1001. Health Department. The Council shall establish by ordinance a City Health Department.

Article XI. Appointive Boards and Commissions.

General provisions

Section 1100. In General. There shall be the boards and commissions enumerated in this Article which shall have the powers and duties herein stated. The number of members to comprise any commission shall be determined by ordinance or resolution of the Council. No member of any board or commission shall hold any paid office or employment in the City government. In order to be eligible for any appointment to any board or commission, a person shall be a qualified elector of the City.

In addition, the Council may create by ordinance or resolution such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 1101 Appropriations. The Council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Terms of appointment

Section 1102. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Council. They shall be subject to removal, by motion of the Council adopted by at least four affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding January 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding January 1st, and that the number of terms expiring in any year does not exceed by more than one the number expiring in any other year.

Existing boards

Section 1103 Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four years, as will carry into effect the plan for staggered terms prescribed in the preceding section.

Meetings

Section 1104 Meetings. Chairman. As soon as practicable, following the first day of January of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the Council to compel the attendance of witnesses, to

examine them under oath and to compel the production of evidence before it.

Compensation, vacancies

Section 1105. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the Council.

Oaths

Section 1106. Oaths. Affirmations. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Planning Commission

Section 1107. Planning Commission. There shall be a Planning Commission. The Planning Commission shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a Master Plan or any part thereof for the physical development of the City; and

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

Personnel Commission

Section 1108. Personnel Commission. There shall be a Personnel Commission, none of whom shall hold any salaried City office or employment while a member of the Commission nor for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the services of the City nor to any City elective office.

Same Powers and duties

Section 1109. Personnel Commission, Powers and Duties. The Personnel Commission shall have power and be required to

(a) Act in an advisory capacity to the Council and the City Manager on Personnel administration;

(b) Recommend to the Council after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations;

(c) Hear appeals of any person in the classified service relative to any suspension, demotion or dismissal;

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and the City Manager;

(e) Perform such other duties with reference to personnel administration not inconsistent with this Charter as the Council may require by ordinance or resolution.

Section 1110. Board of Library Trustees. There shall be a Board of Library Trustees. The Board of Library Trustees shall have charge of the administration of the McHenry Public Library and shall have the power and duty to: Board of Library Trustees

(a) Make and enforce such bylaws, rules and regulations as it may deem necessary for the administration and protection of the City Library:

(b) Recommend the appointment and removal of the Librarian;

(c) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the Council; and

(d) Contract with school, County or other government agencies to render or receive library services or facilities, subject to the approval of the Council.

Article XII. Personnel System.

Section 1200. Personnel System. Merit Principle. Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with personnel rules and regulations adopted in the manner provided in this Charter. Merit principle

Section 1201. Unclassified and Classified Service. The administrative service of the City shall be divided into Unclassified and Classified Service: Unclassified, Classified services

(a) The Unclassified Service shall comprise the following officers and positions:

1. All elected offices.

2. City Manager, City Attorney, City Judge, City Clerk, City Auditor, and all heads of departments.

3. All members of boards and commissions.

4. Persons employed as unskilled laborers.

5. Positions in any class or grade created for a special or temporary purpose for a period of not longer than 90 days in any one fiscal year.

6 Persons employed to render professional, scientific, technical or expert services of any occasional or exceptional character.

7. Part-time employees paid on an hourly or per diem basis.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified service.

Section 1202. Rules and Regulations. The Personnel System provided by this article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the Council upon the recommendation of the City Manager. Rules and Regulations

Section 1203. Political Activities Prohibited. No person holding any position in the Classified Service, or on an eligible Political activities

list, shall take an active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

No officer or employee of the City and no candidate for any City Office shall, directly or indirectly, solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service.

Technical aid

Section 1204 Contract for Performance of Administrative Functions. The Council may contract with the governing body of a city, or county within this state, or with a state department or other public or private agency for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

Article XIII. Fiscal Administration.

Fiscal year

Section 1300. The Fiscal Year. The fiscal year of the City shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax system

Section 1301. Tax System. The Council shall by ordinance provide a system for the assessment, levy and collection of City taxes upon property

Budget

Section 1302. Annual Budget. On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required for the business and proper conduct of the various departments, offices, boards and commissions of the City, over which he has control, during the next ensuing year. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Budget Hearing

Section 1303. Public Hearing on the Budget. After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not

less than ten (10) days prior to said hearing by at least one insertion in the official newspaper of the City.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing.

At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Same Adoption

Section 1304. Adoption of the Budget. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by a majority vote of the Council.

Tax limit

Section 1305. Tax Limit. (a) *General.* The Council shall not levy a property tax for municipal purposes for any fiscal year in excess of $1.25 on each $100 of assessed value of the taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of the majority of the electorate voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) *Under County Tax System.* In any fiscal year during which the City avails itself of the County system of property tax assessment and collection, the Council shall have the power to levy a property tax for municipal purposes at a rate which will raise an amount of money equal to but not in excess of the sum which could have been raised by applying a tax rate of $1.25 per $100 of assessed value to the total assessed value of the taxable property in the City as last determined by the City Assessor, plus the total assessed value, as determined by the County Assessor, of all property within the City which has been added to the County tax assessment roll after the City tax assessment roll was last determined by the City Assessor.

(c) *Additional Taxes.* There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for the payment thereof is made:

1. A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City;

2. A tax sufficient to meet all obligations of the City to the State Employees' Retirement System for retirement of the City employees, if any, due and unpaid or to become due during the ensuing fiscal year.

(d) *Special Levies.* Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each $100 of the assessed value of the taxable property in the City:

1. For the support and maintenance of free public libraries and reading rooms, Twenty cents (20¢).

The proceeds of any such special levy shall be used solely for the respective purposes for which it is levied.

Independent audit

Section 1306. Independent Audit. The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the Council may direct.

As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the City Auditor, one to the City Manager and City Attorney respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Bidding on contracts

Section 1307. Public Work to be Done by Contract. Every project involving an expenditure of public monies of more than Fifteen hundred (1500) Dollars for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids.

All bids shall be accompanied by either a certified, or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten (10) per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited

to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The Council may reject any and all bids presented and may re-advertise in its discretion.

The Council after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Nothing in this section shall be construed to apply to the acquisition or purchase of electricity, electric power or electric energy by the City for any use or purpose.

Same Collusion

Section 1308. Collusion with Bidder. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Same

Section 1309. Collusion By Bidder. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said works, or provide for such public work to be done by the City.

Demands

Section 1310. Demands Against the City. Moneys shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Advertising contracts

Section 1311. Contracts for Official Advertising. The Council shall let annually contracts for the official advertising for the ensuing fiscal year. In the event there is more than one newspaper of general circulation published and circulated in the City, the Council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done,

and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the Council may reject any or all bids and advertise for new bids.

Actions against city

Section 1312. Actions Against The City. No suit shall be brought on any claim for money or damages against the City or any board, or officer thereof 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 time is otherwise provided by law, all claims for damages against the City must be presented to the City Manager within ninety days after the occurrence, event or transaction from which the damages, allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the City Manager shall be deemed a rejection thereof.

Article XIV. Franchises.

Requirement

Section 1400. Franchises to Operate. No person, firm or corporation shall exercise any franchise right or privilege mentioned in this article in the City except in so far as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Authority to grant

Section 1401. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

Section 1402. Franchise Terms, Conditions and Procedures. The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications. Terms, conditions, procedures

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Section 1403. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this article, to be set out in the advertisement for bids and notice of sale. Method of granting

Section 1404. Term of Franchise. Every franchise shall be either a fixed term not to exceed twenty (20) years, or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated. Term

Section 1405. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility. Purchase condemnation

Section 1406. Minimum Compensation. No new franchise or the renewal of an existing franchise shall be granted except upon the condition that a sum equivalent to at least two (2) per cent of the gross annual receipts of the utility derived from the furnishing within the City of the utility service for which the franchise is awarded shall be paid to the City. Compensation

Section 1407. Article not Applicable to Certain Cases Nothing in this article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Modesto. Exemption

Penalty

Section 1408. Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise, shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

Article XV. Judicial System.

Police Court

Section 1500. Police Court. There is hereby created in and for the City of Modesto a court which shall be known as the Police Court of the City of Modesto. Said Court shall consist of one judge, who shall be appointed by the Council and who shall serve during its pleasure and who shall receive such compensation as the Council shall determine

Jurisdiction

Section 1501. Jurisdiction. Exclusive. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the City ordinances

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the City ordinances and in which the sum sued for does not amount to three hundred dollars.

Same

Section 1502. Jurisdiction. Concurrent. Within the City limits said court shall have concurrent and coordinate jurisdiction with township justice courts in all matters and things in which said justice courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justice courts.

Same

Section 1503. Jurisdiction. Appellate. Appeals may be taken to the Superior Court of the State of California, in and for the County of Stanislaus, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said Superior Court from said justice courts and police courts.

Pleading, practice

Section 1504. Pleading and Practice. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justice or police courts, are hereby adopted and made applicable to said police court.

Fines

Section 1505. Disposition of Fines. All fines and other moneys received or collected by the judge of said police court for or on account of the City of Modesto shall immediately be paid into the City Treasury.

Eligibility of Judge

Section 1506 Eligibility of Judge. Nothing in this Charter shall be so construed as to prevent a justice of the peace from holding the office of police judge

Record of proceedings

Section 1507. Record of Proceedings. The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said Court. Separate dockets shall be kept for civil and criminal cases.

Court facilities

Section 1508. Court Facilities. The City shall furnish for said court a suitable court room and office and the necessary

dockets and all blanks and other books and stationery necessary in the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Reorganization

Section 1509 Reorganization of Court System. In the event the system of Justices Court shall be succeeded by a new system of courts inferior to the Superior Court, then the jurisdiction and rules of practise of the City Court of the City of Modesto shall be the same as shall be prescribed by law for such new system of inferior courts.

Law enforcement

Section 1510. Law Enforcement. The City Attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violations of the provisions of this Charter and the ordinances of the City, and shall attend to all suits and proceedings in which the City may be legally interested; provided the Council shall have control of all litigation of the City, and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein.

Article XVI. Department of Education.

"Modesto City School District"

Section 1600. General. School District. The School Department of the City of Modesto shall comprise all the schools within the City of Modesto, the Modesto School District and all territory that is now or may hereafter be annexed thereto for school purposes and shall be known as "Modesto City School District." It shall consist of Kindergarten, Elementary, High Schools and Junior Colleges as now established and may at the discretion of the Board of Education include technical, industrial and adult education classes; provided that no school money shall be used for technical, industrial or adult education classes when such use would prevent the Board of Education from maintaining Kindergarten, Elementary, High Schools and Junior Colleges for the regular minimum school term as fixed by State law. It is further provided that the Board of Education may, under due process of law and in conformity with the Education Code, change the basic plan of organization of the Modesto City Schools, it being mandatory that at all times provision be made for Kindergarten, Elementary, High Schools and Junior College education.

Boundaries

Section 1601. Boundaries. All territory included within the limits of the Modesto City School District or that may hereafter be included within such limits, but not within the City limits, shall be deemed a part of said City for the purpose of holding general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the Board of Education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said City for all matters connected with the school department and with the levying and collection of all taxes for school purposes.

Board of Education

Section 1602. Board of Education. The government of the school department shall be vested in a Board of Education which shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the Board of Education, who shall serve without compensation. The members of said board shall be elected at the general municipal elections, and shall hold office for a period of four years, and until their successors are elected and have qualified; at the next general municipal election three members shall be elected and at the second municipal election following the adoption of this Charter, two members shall be elected to said Board, and thereafter, alternating, three and two, as the case may be, shall be elected at the succeeding general municipal elections.

Same Eligibility

Section 1603. Board of Education. Eligibility. No person shall be eligible to be nominated for or to hold office as a member of the Board of Education unless he is and shall have been for at least three years preceding his election or appointment a resident and qualified elector of the Modesto City School District or of territory annexed thereto.

Same Powers and duties

Section 1604. Board of Education. Powers and Duties. The general government and administration of the Modesto City School District shall be vested in the Board of Education Except as otherwise provided by legislative action of the Board, the provisions of Chapters 5 and 6 of Division 2 of the Education Code of the State of California, as the same now exist or may hereafter be amended, shall apply to the Modesto City School District in so far as they are not inconsistent with the provisions of this Charter.

Article XVII. Miscellaneous.

Effective date

Section 1700. Effective Date of Charter. For the purpose of qualification and of the nominating of candidates and electing Mayor, Councilmen and Members of the Board of Education in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the legislature. For all other purposes, it shall take effect on the first Tuesday following the date of the election held for the purpose of filling the vacancies created by this Charter in the elective offices of the City.

First election

Section 1701. First Election Under Charter. The City Council of the City of Modesto in office at the time this Charter is approved by the legislature shall provide for the holding of the first election of officers under this Charter, shall canvass the votes, and declare the result.

Validity of charter Severability

Section 1702. Validity of Charter. If any section, subsection, sentence, clause or phrase of this Charter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining separable portions of this Charter. The people of the City of Modesto hereby declare that they would have adopted this Charter and each section, sub-

section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void.

Violation

Section 1703. Violation of Charter and Ordinances. The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty upon conviction for the violation of any provision of this Charter, or of any ordinance of the City, shall be by a fine of not exceeding $1000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the city jail, or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Modesto is situated, or any road camp established in Stanislaus County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Modesto.

Construction

Section 1704. Construction of Charter. The word "City" wherever it occurs in this Charter, means the City of Modesto, and every Commissioner, Commission, Department, Board, Officer, Employee, wherever mentioned in this Charter means the Commissioner, Commission, Department, Board, Officer, or Employee, as the case may be, of the City of Modesto. The word "Council" when used in this Charter means the Council of the City of Modesto.

Failure to hold election

Section 1705. Effect of Failure to Hold Election. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this Charter and of such election is not affected thereby and the City Council of the City of Modesto then in office must provide for the holding of such election as soon as possible thereafter.

We do further certify and declare that the foregoing constitutes a true and correct statement of the actions and proceedings had by the City of Modesto and the City Council of said City, in the matter of the framing, proposal and submission of said proposed Charter for the government of the City of Modesto, and in the calling, voting upon, and canvassing the returns and declaring the results of said election.

IN WITNESS WHEREOF, we have hereunto set our hands and hereto affixed the seal of said City of Modesto this 21st day of February, 1951.

CARL W. SHANNON
(SEAL) Mayor of the City of Modesto, California

Attest: REX E. GAILFUS
City Clerk of the City of Modesto, California

and,

WHEREAS, The said charter 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 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 Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Modesto, 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, as and for the charter of the City of Modesto.

CHAPTER 47

Senate Concurrent Resolution No. 32—Relative to the passing of Walter Naughton.

[Filed with Secretary of State March 15, 1951.]

Death of Walter Naughton

WHEREAS, Countless followers throughout the State of California lost one of their most illustrious reporters in the passing last week of Walter Naughton, top-flight Los Angeles Examiner reporter and columnist; and

WHEREAS, Walter Naughton was a native of San Francisco, educated at St. Ignatius College; and one of the heroes of World War I, a member of the famous First Division under fire in eleven combat engagements, having been decorated on the battlefield for bravery in rescuing a comrade; and

WHEREAS, He was the son of the late W. W. Naughton, eminent sports editor of the San Francisco Examiner; and

WHEREAS, Walter Naughton began his colorful career as a cub reporter on the San Francisco Examiner in 1912 joining the Los Angeles Examiner in 1922, there serving diligently and brilliantly as reporter and columnist for 29 years; his popular column, "Squads Right," was the subject of intense interest by veterans throughout the West; and

WHEREAS, He was historian for the California department of the American Legion for 14 years, was first Commander of the Allied Post of the American Legion, and a member of various other veterans organizations, including the "Forty And Eight" veterans' fund; and

WHEREAS, Walter Naughton was a distinguished patriot in the promotion of Americanism and championing of veterans' rights and welfare; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when the Members of the Legislature adjourn today, they do so out of respect to the memory of Walter Naughton; and be it further

Resolved, That the Secretary of the Senate is directed to send suitably engrossed copies of this resolution to Mrs. Miriam Naughton, his widow, Mrs. Naughton, his mother, and Mrs. John Rose, his daughter.

CHAPTER 48

Senate Concurrent Resolution No. 11—Relative to the continuance of the Joint Legislative Committee on Community Redevelopment and Housing Problems with Particular Reference to Legislation Supplementary to Federal Legislation.

[Filed with Secretary of State March 16, 1951.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Continuance of Committee on Community Redevelopment, etc

1. The Joint Legislative Committee on Community Redevelopment and Housing Problems with Particular Reference to Legislation Supplementary to Federal Legislation created by Senate Concurrent Resolution No. 79 of the 1949 Regular Session is continued as a joint legislative committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session, and the Speaker of the Assembly is empowered to appoint five Members of the Assembly and the Rules Committee of the Senate is empowered to appoint five Members of the Senate to said committee. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of two thousand dollars ($2,000) 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 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 49

Senate Concurrent Resolution No. 22—Commending the city council and governmental agencies of the City of Sunnyvale and other cooperating agencies throughout the County of Santa Clara, for their splendid conduct during a recent emergency

[Filed with Secretary of State March 16, 1951.]

City of Sunnyvale Commendation

WHEREAS, At 8.20 a.m. on Thursday, January 11th, the first cyclone in the recorded history of the State of California struck the City of Sunnyvale with devastating force; and

WHEREAS, In a few short seconds more than 200 homes were severely damaged, communications were disrupted and the principal industries of the city forced to suspend activities; and

WHEREAS, For the first time in California it became necessary to call on the recently organized civil defense and disaster agency; and

WHEREAS, Through the prompt and speedy action of the agency within the City of Sunnyvale and the cooperation of the county agency and agencies in surrounding communities, the needs of the civilian population resulting from the disaster were promptly met; and

WHEREAS, The community rose to the occasion in such a way that all panic was avoided and the program of restoration promptly undertaken; and

WHEREAS, Although more than a million dollars worth of damage was done in the incorporated area of Sunnyvale alone, the community is able to take care of all of the immediate needs of its citizens and of the work of restoration without assistance from the State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the city council and the other governmental agencies of the City of Sunnyvale and the cooperating agencies throughout the County of Santa Clara be commended for their prompt and effective action in dealing with disaster and that the citizens of Sunnyvale be commended for this evidence that in a time of emergency and disaster they can organize themselves to meet the resultant needs in an orderly and constructive manner; and be it further

Resolved, That the Secretary of the Senate is requested to transmit a suitably engrossed copy of this resolution to the Mayor and the City Council of the City of Sunnyvale.

CHAPTER 50

Assembly Concurrent Resolution No. 33—Relative to the illnesses of His Excellency, Honorable Earl Warren, Governor of the State of California, and his daughters, Nina and Dorothy.

[Filed with Secretary of State March 19, 1951.]

WHEREAS, Members of our official family have recently been victims of illnesses; first, the youngest daughter, Nina, with polio; then His Excellency, with neuralgia; and Dorothy, with automobile injuries and currently with an appendectomy; and Official family

WHEREAS, Nina and Dorothy are convalescing satisfactorily, and His Excellency has returned to Sacramento; and

WHEREAS, We join in extending our profoundest sympathies to Mrs. Warren over these lamentable misfortunes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature sincerely extend their wishes for the well-being of His Excellency and daughters and trust that they shall have a most complete and speedy recovery; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Mrs. Warren, His Excellency, Dorothy and Nina.

CHAPTER 51

Assembly Concurrent Resolution No. 32—Approving certain amendments to the charter of the City of Torrance, County of Los Angeles, State of California, voted for and ratified by the electors of said City of Torrance at a general municipal election held therein on the eleventh day of April, 1950.

[Filed with Secretary of State March 20, 1951.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Torrance, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit: City of Torrance Charter amendments

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF TORRANCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF TORRANCE }

We, the undersigned, Bob L. Haggard, Mayor of the City of Torrance, and A. H. Bartlett, City Clerk of said City, do hereby certify and declare as follows: Certificate

The City of Torrance, County of Los Angeles, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, and has ever since the year 1947, 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 municipal election held for that purpose on the 20th day of August, 1946, 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 7th day of January, 1947.

The legislative body having authority of said City, being a Council thereof, did on its own motion, and by resolution adopted on the 21st day of February, 1950, duly propose to the qualified electors of said City of Torrance certain amendments to the Charter of said City, which amendments are hereinafter set forth.

The said City Council did, by resolution duly passed and adopted on the 7th day of March, 1950, proclaim and fix the 11th day of April, 1950, the date of the General Municipal Election to be held in said City of Torrance, as the date on which the said amendments so proposed be submitted to, and voted on by, the qualified electors of said City of Torrance.

The said proposed amendments were published on the 23rd day of February, 1950, in the Torrance Herald, a newspaper of general circulation printed and published in the City of Torrance and having a general circulation therein, the said paper being the official newspaper of the City of Torrance, 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.

The said General Municipal Election held on April 11, 1950, was not less than forty (40) and not more than sixty (60) days after the completion of the advertising in said newspaper. At said election the said proposed charter amendments were voted upon by the qualified electors of the City of Torrance. A majority of the qualified electors voting thereon voted in favor of and did ratify certain of said proposed charter amendments.

That thereafter the City Council of said City of Torrance, County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that certain of said amendments to said City Charter of the City of Torrance were and are approved by the electors of said City of Torrance, and ratified by the qualified voters voting thereon.

The said Charter amendments so ratified by the qualified voters of the City of Torrance at said election are in words and figures as follows:

Proposed Charter Amendments

Amendment Number 2

That Section 5, subsection (f), of Article VII of the Charter of the City of Torrance be amended by the addition of a paragraph numbered "(12)", to read in its entirety as follows:

"(12) All demands shall, prior to payment, be approved by the City Manager. Prior to the approval of any demands by him, he shall satisfy himself that the supplies, materials, property or services for which payment is claimed, have been actually delivered or rendered, that the payment, authorized by law, is just and fair, and that appropriation for the same has been made. All payrolls shall be certified by the respective department heads and approved by the City Manager." Approval of demands

Amendment Number 3

That Article VII of the Charter of the City of Torrance be amended by the addition of a section numbered "Section 6", to read in its entirety as follows:

"Section 6. Residence, Officers and Employees. All officers and employees of the City of Torrance shall be or become residents of said City within six (6) months after their appointment or date of employment provided, however, that as to appointive officers or employees having technical, special, or professional knowledge or abilities the City Council may waive the residence requirements. No officer or employee may be appointed permanently in the classified service unless and until he has become a resident of the City." Residence of officers, employees

Amendment Number 4

That Section 2 of Article VIII of the Charter of the City of Torrance be amended to read in its entirety as follows:

"Section 2. Oaths of Office. All officials, officers, members of boards, or commissions, and employees shall take and file with the City Clerk the oath of office required by the Constitution and the laws of the State. In addition to the oath of office, and as a part thereof, the City Council shall by ordinance require all of the persons herein mentioned, including members of the City Council, to affirm their loyalty to the United States of America and its principles of government. The oath of office of the City Clerk shall be taken by and filed with the Mayor." Oaths

Amendment Number 5

That Section 5 of Article IX of the Charter of the City of Torrance be amended to read in its entirety as follows:

"Section 5. Place of Meetings. All regular or special meetings of the City Council shall be held within the corporate limits of the City, at such place as may be designated by ordinance or resolution, and shall be open to the public. If, by Place of meetings

reason of fire, flood or other disaster or emergency, it shall be unsafe to hold a council meeting at the designated place, the City Council may meet during such emergency at such place as is designated by the Mayor or by three (3) members of the City Council The City Council shall have the right and privilege to hold and conduct its meetings in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council."

AMENDMENT NUMBER 6

That Article IX of the Charter of the City of Torrance be amended by the addition of a section numbered "Section 13(a)", to read in its entirety as follows:

Ordinances

"Section 13(a). Ordinances, When Required. Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board, or agency, or in any way restricting or governing the use of property and in addition thereto every act required by the City Charter to be done by ordinance shall be by ordinance."

AMENDMENT NUMBER 11

That Article XV of the Charter of the City of Torrance be amended to read in its entirety as follows:

City Attorney

"Article XV. City Attorney.

"Section 1. Eligibility. No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice before the Supreme Court of the State of California and shall have been engaged in the practice of law in the State of California for at least five (5) years prior to his appointment.

"Section 2. Powers and Duties. The City Attorney shall have the power and be required to:

"(a) Represent and advise the City Council and all city officers in all matters of law pertaining to their respective offices and/or duties.

"(b) Represent and appear for the City and any City officer, employee or former City officer or employee, in any and all actions or proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the City.

"(c) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing.

"(d) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto.

"(e) To have charge of prosecuting on the behalf of the people all criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State.

"(f) The City Attorney may appoint a Deputy City Attorney who shall act as City Prosecutor and who shall attend all court sessions of the City Court except preliminary hearings. He shall have such other duties as may from time to time be assigned to him by the City Attorney with the approval of the City Manager and shall be paid a salary commensurate with the duties assigned. The City Prosecutor shall not be included in the classified service and shall be subject to removal by the City Attorney.

"(g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs."

AMENDMENT NUMBER 12

That Section 9 of Article XVIII of the City Charter be amended to read in its entirety as follows:

"Section 9. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board or commission thereof 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 time is otherwise provided by law, all claims for damages against the City must be presented within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim accrued. Actions against city

"Every claim for money or damages against the City or any board of commission thereof shall be verified by the person making the claim and filed with the City Clerk, who shall thereupon present the same to the City 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 a rejection thereof."

AMENDMENT NUMBER 14

That Section 1 of Article XVII of the City Charter be amended to read in its entirety as follows:

"Section 1. Jurisdiction of City Court. A City Court is hereby established in the City, to be held by the City Judge of said City. The City Court shall have the same jurisdiction as a Justice's Court of Class B in all civil and criminal actions arising within the corporate limits of the City and which might Jurisdiction of city court

be tried in such a Justice's Court. The rules of practice and mode of proceeding in the City Court shall be the same as are or may be prescribed by law for Justice's Courts having like jurisdiction and in like cases; and appeals may be taken to the Superior Court of the County in which the City Court may be situated, from all judgments of said City Court, in like manner and with like effect as in cases of appeals from Justice's Courts of like jurisdiction."

IN WITNESS WHEREOF, we have hereunto set our signatures and caused the official seal of the City of Torrance to be affixed this 29th day of January, 1951.

BOB L. HAGGARD
(SEAL) Mayor of the City of Torrance
A. H. BARTLETT
City Clerk of the City of Torrance

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 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 Torrance 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 part of the charter of said City of Torrance.

CHAPTER 52

Senate Joint Resolution No. 16—Relative to the immigration of Basque sheepherders pursuant to Public Law 587 of the Eighty-first Congress.

[Filed with Secretary of State March 21, 1951]

Immigration of Basque sheepherders

WHEREAS, There exists a serious shortage of skilled sheepherders which is jeopardizing the survival of the sheep raising industry in the United States to the detriment of our national defense effort; and

WHEREAS, In recognition of this shortage which cannot be met on the domestic labor market, the Eighty-first Congress passed Public Law 587, permitting the entry of two hundred fifty Basque sheepherders; and

WHEREAS, The entry of such persons pursuant to Public Law 587 has been barred by an interpretative ruling of the United States Department of Justice that the Internal Security

Act of 1950 prohibits the entry of such persons because of their former membership in the Falangist Party of Spain, which was declared by the Attorney General of the United States to be a totalitarian party; and

WHEREAS, The American Consul at Bilbao, Spain, has already determined that the Basque sheepherders desiring admission have never joined, and have never taken part in any of the activities of, the party, and it appears the basis of the alleged membership was due solely to a declaration by the Government of Spain that anyone who was in the army or attended public schools, or who resided in Spain during the Civil War was a member of the Falangist Party; and

WHEREAS, The Senate Judiciary Subcommittee which handled the Internal Security Act of 1950 has declared that the act does not prevent the entry of such persons, and that the interpretative ruling of the Department of Justice should be changed; and

WHEREAS, On January 29, 1951, Senator McCarran of Nevada introduced S. 728 to specify that the aliens to be excluded are those whose memberships and affiliations with totalitarian organizations were voluntary; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Attorney General of the United States be memorialized to amend his interpretative ruling so as to authorize the entry of the Basque sheepherders pursuant to Public Law 587; and be it further

Resolved, That the Congress of the United States be memorialized to enact S. 728 at the earliest possible date to reiterate and to emphasize the true intent of Congress in the enactment of the Internal Security Act of 1950; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President, to the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States, to the chairman of appropriate congressional committees, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 53

Senate Joint Resolution No. 17—Relative to memorializing the Congress of the United States immediately to appropriate such funds as may be necessary for national civil defense for the guidance of the states in making available matching funds.

[Filed with Secretary of State March 21, 1951]

Civil defense funds

WHEREAS, The primary purpose of civil defense is to maintain the productive capacity of this Country by limiting damage due to enemy action; and

WHEREAS, Both the National Security Resources Board and the Chief of Staff of the United States Air Force have stated publicly that it is impossible to prevent an effective air attack against the critical target areas of the United States by a strong and determined enemy; and

WHEREAS, The United States can lose a war to such an enemy if any substantial portion of the industries supporting our defense economy is knocked out by air or other enemy attack, including sabotage; and

WHEREAS, Civil defense against atomic or other enemy attack, including sabotage, in order to minimize the effect of enemy and subversive action is as essential to national survival before and during a war as the armed services; and

WHEREAS, The September, 1950, report of NSRB—United States Civil Defense—urged prompt action for organizing the civil defense of the United States in order that the Federal Government might exercise strong and effective leadership in this vital branch of the national security program; and

WHEREAS, Administration recommendations to the Congress contemplate very substantial federal support for such items as fire, rescue, communications, medical and warden's equipment, and for mobile support units, items obviously of first importance to the whole national civil defense system; and

WHEREAS, The State of California will be required to match, on some basis, federal funds made available for the civil defense of critical target areas; and

WHEREAS, The Congress of the United States has failed to declare the national civil defense policy or to make available federal funds to pay the proposed federal civil defense costs as allocated and recommended by the National Security Resources Board; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States be memorialized to appropriate immediately such funds as may be necessary to pay the federal costs of completing the civil defense portion of the national security program; and be it further

Resolved, That the Members of Congress from California be urged to use all means within their power to accomplish the purpose of this resolution for the immediate guidance of the Legislature of the State of California in meeting its civil defense responsibilities; 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.

CHAPTER 54

Assembly Joint Resolution No. 10—Relative to reactivation of the Defense Highway Act of 1941.

23 U S C, §101

[Filed with Secretary of State March 23, 1951]

Reactivation of Defense Highway Act of 1941

WHEREAS, The United States as a member of the United Nations is engaged in a conflict in Asia; and

WHEREAS, The President of the United States has declared a state of national emergency; and

WHEREAS, The President and the Federal Congress are ordering controls and limitations on the usage of certain materials essential to the national defense; and

WHEREAS, Highway construction is vital as well as essential to the national defense, particularly on the western frontier of the United States, which is the probable point of first attack by an enemy of the United Nations; 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 as follows:

(a) That materials necessary for highway construction, including steel, cement and asphalt, continue to be made available for the purpose of highway construction.

(b) That the Defense Highway Act of 1941 be reactivated, and that appropriations for the "strategic network" and for "access roads" be made under that act, not requiring matching funds by states or counties, adequate to meet defense highway needs, over and above highway authorizations and appropriations already made by the Eighty-first Congress for the next two fiscal years; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 55

Assembly Joint Resolution No 16—Relative to the compensation of postal employees.

[Filed with Secretary of State March 23, 1951]

Salary increase Postal employees

WHEREAS, Postal employees have not received any general wage increase since 1949, in which year they were granted a maximum monthly increase of ten dollars ($10), despite evidence justifying a general increase of forty dollars ($40) per month; and

WHEREAS, Postal employees have suffered no less from the high cost of living in the last several years than other public employees and employees in private industry; and

WHEREAS, Most employees in public service and in private industry have received one or more cost of living wage increases since 1949; and

WHEREAS, Aside from the obvious inequality of treatment, there is a serious possibility that postal employees will not long be able to resist the lure of greater reward for employment in defense and other industries; 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 for an increase in the compensation of postal employees commensurate with the existing cost of living level; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 56

Assembly Concurrent Resolution No. 17—Urging equal opportunity in public employment for qualified physically handicapped citizens of the State.

[Filed with Secretary of State March 23, 1951]

Public employment of handicapped persons

WHEREAS, The State of California maintains a service of counseling, vocational training and placement for physically handicapped citizens administered by the Bureau of Vocational Rehabilitation, State Department of Education, which prepares for and adjusts to suitable employment such disabled persons; and

WHEREAS, The experience of many years has demonstrated conclusively that adequately prepared physically handicapped persons are equally as efficient as normal persons in positions compatible with their respective disabilities; and

WHEREAS, There still exists a hesitancy on the part of some employers against the hiring of physically impaired persons regardless of their ability to perform successfully the required work; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the State Personnel Board be commended for its policy of accepting for civil service examinations disabled persons whose impairment is not inconsistent with specified duties and that appointing authorities in every department of the State, and in every county and city, be urged to give due and unprejudiced consideration to the employment of physically handicapped persons on the sole basis of qualifications for the work, to the end that justice be done in affording equality of vocational opportunity for disabled persons and an example be set for private employers as an aid to placement of such persons in private industry and business.

CHAPTER 57

Assembly Concurrent Resolution No. 29—Relative to eggs shipped to Hawaii.

[Filed with Secretary of State March 23, 1951]

Abolition of practice of marking eggs

WHEREAS, Cooperation between the State of California and the Territory of Hawaii in matters pertaining to free exchange of foodstuffs is of special importance in a period of national emergency; and

WHEREAS, Producers of foodstuffs in this State are willing to exert every effort to divert our mainland products to the maintenance and support of the Territory of Hawaii to the fullest possible extent; and

WHEREAS, The practice of stamping or labeling eggs or other products imported into the Territory of Hawaii from the mainland results in hampering the free flow of such foodstuffs from this State into the Territory of Hawaii and impedes freedom of trade between the Territory of Hawaii and this State to the detriment of the people of both, and is not in the best interests of national and mutual defense; and

WHEREAS, The Legislature of the State of California therefore believes the practice of marking, stamping, or otherwise identifying mainland eggs imported into the Territory of Hawaii to be undesirable in the present period of emergency; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the Territory of Hawaii be, and it is, hereby respectfully requested to take the necessary action to abolish the practice of marking, stamping, or otherwise identifying mainland eggs imported into the Territory of Hawaii in the regular course of commerce for the period of the present national emergency; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is, hereby directed to transmit a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the Legislature of the Territory of Hawaii.

CHAPTER 58

Assembly Concurrent Resolution No. 30—Relative to participation in the events of the Thirty-second Annual Public Schools Week.

[Filed with Secretary of State March 23, 1951]

Public attendance at school programs

WHEREAS, The Thirty-second Annual Public Schools Week will be observed in California during the week of April 23d to April 27th by an open house in all public schools; and

WHEREAS, Countless citizens throughout the State have formed committees to cooperate with school officials and students to enliven our interest in the function of our public schools in guarding and strengthening the concepts of our democracy; and

WHEREAS, The slogan of the Thirty-second Annual Public Schools Week is "The Public School—An American Heritage"; and

WHEREAS, The object is to encourage public attendance at the school programs to insure a wider knowledge of the importance of public schools in our social progress; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all citizens of the State of California are hereby urged to attend the events of Public Schools Week, as a demonstration of the importance of public education in the effort to preserve and make stronger the American way of life.

CHAPTER 59

Senate Concurrent Resolution No. 36—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal primary election held therein on the thirteenth day of March, 1951.

[Filed with Secretary of State March 26, 1951.]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, 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 San Diego,
City of San Diego. } ss.

Certificate

We, the undersigned, Harley E. Knox, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, 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 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 the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931. Certificate

That pursuant to and 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 San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 4670 (New Series), passed and adopted by said Council on the 18th day of January, 1951, duly proposed to the qualified electors of The City of San Diego six certain amendments to the Charter of said City, designated as Propositions Nos. 1, 2, 3, 4, 5 and 6, respectively, and ordered said six proposed charter amendments to be submitted to said qualified electors at the municipal primary election called and held in said City on the 13th day of March, 1951.

That all of said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: on January 19th, 1951.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 7th day of February, 1951, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 4670 (New Series) to the qualified electors of said City at the Municipal Primary Election held in said City on the 13th day of March, 1951

The said Council did on the second day next succeeding the date of said election then and there by resolution direct the City Clerk to make the canvass of the returns of said election. That upon the completion of said canvass and the certification of the results thereof by the City Clerk to the Council, said Council did, by Resolution No. 101600, passed and adopted March 20th, 1951, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No. 101600 declare that the said proposed amendments to the Charter of The

City of San Diego, designated as Propositions Nos. 1, 2, 3, 4, 5 and 6, were, and each and every one of them was, ratified by a majority of the qualified electors of said City voting thereon.

That as to each of the amendments to the Charter of The City of San Diego, 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.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION No. 1.

Amend Section 70 of Article VII of the Charter of The City of San Diego, to read as follows:

Power to fix salaries

"Section 70. Power to Fix Salaries. The Council shall have the power to fix salaries of the City Manager, the City Clerk, the City Treasurer, the City Auditor and Comptroller, and all other officers under its jurisdiction. All members of Commissions shall serve without compensation except where otherwise provided by State law or this Charter. Except as otherwise provided by law the City Manager and other departmental heads outside of the departments under control of the City Manager shall have power to recommend salaries and wages subject to the personnel classification and the schedule of salaries fixed by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City Government. All increases and decreases of salary or wages of officers and employees shall be determined at the time of the preparation and adoption of the budget, and no such increase or decrease shall be effective prior to the fiscal year for which the budget is adopted; provided, however, that if during any fiscal year, the Council should find and determine that because of a significant change in living costs, the salaries and wages fixed for such fiscal year are not comparable to the level of other salaries and wages of other public or private employments for comparable services and as a result, the best interests of the City are not being protected or are in jeopardy, said Legislative Body, upon recommendation of the Manager or other department head, and if funds are available, may revise such salary and wage schedules to the extent necessary to protect the City's interests."

PROPOSITION No. 2

Amend Section 141 of Article IX of the Charter of The City of San Diego to read as follows:

Retirement system

"Section 141. City Employees Retirement System. The Council of the City is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for public employees other than those policemen and firemen who were members of a pension system on June 30,

1946, and other than elective officers and members of commissions who serve without pay. Except as hereinafter provided, no employee shall be retired before he reaches the age of sixty-two years and before he has completed ten years of continuous service. Policemen, firemen and full time life guards, however, who have had ten years of continuous service may be retired at the age of fifty-five years. The Council may also in said ordinance provide:

(a) For the retirement with benefits of an employee who has become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary his retirement from active service.

(b) Death benefits for dependents of employees who are killed in the line of duty or who die as a result of injuries suffered in the performance of duty.

(c) Retirement with benefits of an employee who, after ten years of service, has become disabled to the extent that he is not capable of performing his duties, or who is separated from City service without fault or delinquency on his part.

Retirement shall be compulsory at the age of sixty-five, except that the Manager or other department head, for the City's benefit, may thereafter continue an employee who has reached such age limit in the City service from year to year up to, but not beyond, the time when such employee reaches the age of seventy-two years."

PROPOSITION NO. 3

Amend Section 144 of Article IX of the Charter of The City of San Diego, to read as follows:

"Section 144. Board of Administration. The system shall be managed by a Board of Administration which is hereby created, consisting of the City Manager, City Auditor and Comptroller, the City Treasurer, three members of the Retirement System, to be elected from the active membership, a resident official of a life insurance company, an officer of a local bank and a citizen of the City, the latter three to be appointed by the Council Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve six years or until their successors are elected and qualified, and shall so classify themselves by lot that one term shall expire each year. The members of the existing Board shall serve out their unexpired terms. Board of Administration

The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provision of Article VIII of this Charter.

The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted

by the Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system; and shall have exclusive control of the administration and investment of such fund or funds as may be established; provided, however, that such board shall not be permitted to invest in any bonds or securities which are not authorized by General Law for savings banks; and, provided, further, the board may place such funds in the hands of the Funds Commission for investment. Provided, however, that the Auditor and Comptroller shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor and Comptroller such retirement allowance has been granted in contravention of this Article or any ordinances passed under the authority granted herein."

PROPOSITION NO. 4.

Amend Section 153 of Article X of the Charter of The City of San Diego, to read as follows:

Investment of funds

"Section 153. Investment of Funds. The Board of Trustees is hereby authorized to invest any moneys in the Police and Fire Retirement System Fund, in approved United States Government, State of California, municipal or county bonds, or such bonds and securities as are authorized by General Law for investment for savings banks and are recommended by the Funds Commission of The City of San Diego: provided, however, that sufficient money shall always be kept in such fund to meet the pension payments provided for in this Article."

PROPOSITION NO. 5.

Amend Section 163 of Article X of the Charter of The City of San Diego, to read as follows:

Payments for disability

"Section 163. Payments for Disability. Whenever any member entitled to the benefits of this system shall become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half of the salary attached to the rank held by him for one year or more previous to the time the disability was incurred; and said pension shall increase and decrease in proportion to the salary attached to said rank; provided that such pension shall at no time exceed the sum of two hundred dollars ($200.00); and, provided further, that the Council of said City may provide by Ordinance that for a time not to exceed one year of such disability, such member shall be entitled to receive in lieu of the benefits herein provided his full salary, payable to him out of the salary funds of the City, minus, however, such Workmen's Compensation Benefits as

said member shall have received for such period of time as he is paid his salary. If such disability shall cease he shall, upon the recommendation of the Chief of the Department, be restored to such active duty as he is able to perform, with the rank or rating and salary he held at the time of his retirement, and such pension shall terminate. In the event of the death of such pensioner, the pension shall be paid to his dependents in accordance with the provisions of Section 162. Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents or upon the attainment of the age of eighteen years by such dependent other than the widow or father or mother."

PROPOSITION No. 6.

Amend Section 194 of Article XII of the Charter of The City of San Diego, to read as follows:

"Section 194. TIME AND ONE-HALF PAY. Except Overtime pay for employees of the City who are paid twice monthly on the yearly salary basis, not less than one and one-half times the said prevailing or current rate of per diem wages shall be paid for extra work performed by laborers, workmen or mechanics employed by or on behalf of the City upon any public work on Sundays and such legal holidays as shall be designated by the Council of said City by ordinance and for work performed in excess of eight hours in one calendar day in such cases in which such overtime work is permitted by law."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 20th day of March, 1951.

HARLEY E. KNOX
(SEAL) Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of The City of San Diego, California.

WHEREAS, Said proposed charter amendments 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; now, therefore, be it

Resolved by the Senate of the State of California, the Approval *Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said

amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, 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 said the City of San Diego.

CHAPTER 60

Assembly Concurrent Resolution No. 36—Approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of March, 1951.

[Filed with Secretary of State March 29, 1951.]

City of Pasadena Charter amendments

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing 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 twentieth day of November, 1900, and approved by the Legislature of the State of California, on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of two amendments to the charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF TWO CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF PASADENA }

Certificate

We, the undersigned, A. Ray Benedict, Chairman of the Board of Directors of the City of Pasadena, State of California, and Clara Belle MacLellan, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, 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

50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of 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 20th day of November, 1900, and approved by the Legislature of the State of California on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature. Certificate

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4195 adopted by said board on the 31st day of January, 1951, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena two certain proposals for the amendment of the Charter of said city, designated as Charter Amendment No. 1 and Charter Amendment No. 2, to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 15th day of March, 1951. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4196 adopted on the 31st day of January, 1951, which said ordinance called said special election, for the submission of said amendments, to be held in said city on the 15th day of March, 1951, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the primary nominating election of the City of Pasadena to be held on said date. That said election was duly and regularly called and held on said 15th day of March, 1951, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the official newspaper.

That said proposed amendments were 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 Pasadena, on the 2nd day of February, 1951, in The Pasadena Independent, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

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 Pasadena, a notice was advertised and published in The Pasadena Independent, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

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 Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 15th day of March, 1951, 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 each said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with the provisions of the Charter of the City of Pasadena and with the law in such cases made and provided, the Board of Directors of the City of Pasadena met on the 19th day of March, 1951, at the time fixed by the Charter and at its usual place of meeting, and did duly and regularly canvass the returns of said election, and on the 19th day of March, 1951, the said Board of Directors did duly find, determine and declare the result of said special 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 each of said proposed amendments had voted for and ratified each of said amendments.

That the said amendments to the Charter so ratified by the electors of the City of Pasadena are in words and figures as follows:

CHARTER AMENDMENT NO. 1

That the Charter of the City of Pasadena be amended by amending the second and subsequent paragraphs of Section 8 of Article 6 thereof to read as follows:

Retirement Board

"The Retirement Board shall have the sole power and authority under such general ordinances as may be adopted by the legislative body, to hear and determine all facts pertaining to applications for and awards of any benefits under the Retirement System, or any matters pertaining to the administration thereof. Said Board shall have exclusive control of the administration and investment of such fund or funds as may be established and all investments shall be subject to the terms, conditions, limitations and restrictions imposed by the laws of the state in effect prior to 1949, upon savings banks in the making of investments.

"Disbursement of retirement funds shall be made upon demands duly audited in the manner prescribed in this Charter for disbursement of public funds. The City Treasurer shall be the custodian of any such retirement funds, subject to the control of the Retirement Board as to the administration and investment of said funds."

CHARTER AMENDMENT No. 2

As a separate proposition that said Charter be amended by adding Section 19 to Article 2 thereof to read as follows:

"Section 19. City Prosecutor. The City Prosecutor shall be a citizen of the State of California and admitted to practice as an attorney at law in all of the courts of said state, and shall have been actually engaged in the practice of law for at least one year prior to his appointment. He shall prosecute misdemeanor offenses arising out of violations of the laws of said state, ordinances of the city and provisions of this Charter. He shall perform such other duties as the legislative body of the city may provide by ordinance." City Prosecutor

That we have compared the foregoing amendments with the original proposals proposed by said Ordinance No. 4195 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy of each 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 Pasadena to be affixed hereto this 20 day of March, 1951.

A. RAY BENEDICT
(SEAL) Chairman of the Board of Directors of the City of Pasadena
CLARA BELLE MACLELLAN
City Clerk

APPROVED DATE 3-20-51
DON C. MCMILLAN
City Manager

APPROVED AS TO FORM:
This 20 day of Mar., 1951
By H. BURTON NOBLE
City Attorney

and

WHEREAS, Said proposed amendments to the charter of the City of Pasadena, 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, 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 amendments to the charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same are, Approval

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 Pasadena.

CHAPTER 61

Assembly Concurrent Resolution No. 35—Relative to the death of Judge Herbert Wilson Erskine.

[Filed with Secretary of State March 30, 1951.]

Death of Judge Herbert Wilson Erskine

WHEREAS, Infinite numbers of persons in political, legal, and judicial circles throughout California and the West were saddened over the misfortune of losing Judge Herbert Wilson Erskine, federal district court judge, who passed away last Sunday; and

WHEREAS, Judge Erskine, on receiving his law degree from the University of California in 1909, engaged in private practice in San Francisco, where he represented the Bank of America and other large corporation clients; and

WHEREAS, He became prominent as a Democratic political leader, becoming a member of that party's state central committee; and

WHEREAS, Judge Erskine was active in the San Francisco and State Bar Associations, contributing his time toward civic and social improvements. Among numerous posts held by him were those of member of the State Commission of the Golden Gate International Exposition and special counsel to the California Toll Bridge Authority; and

WHEREAS, On April 9, 1949, Judge Erskine was appointed to the Federal Bench by President Truman because of these outstanding attainments; and

WHEREAS, Judge Erskine was proud of his family's tie-in with the development of the West in that one grandfather, Dr. John F. Morse, was an early editor of the Sacramento Bee, and a director of the Cooper Medical College, which was to become the Stanford University School of Medicine; the other grandfather, Captain Melville C. Erskine, was for years head of the San Francisco Pilots Association and a member of the United States commission which supervised the purchase of Alaska from Russia; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the respective houses of the Legislature adjourn this day they shall do so in respect to the memory of Judge Herbert Wilson Erskine; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send suitably prepared copies of this resolution to his widow, Mrs. Loie Holland Erskine, 42 Glen Alpine Road, Piedmont; a brother, Morse Erskine of San Francisco; two sons, Holland Erskine and Morse Erskine II; and three daughters, Mrs. Howard J. Osborne of Washington, D. C., Mrs James B. Black, Jr., of Piedmont, and Mrs. Ernest M. Clark of Los Angeles.

CHAPTER 62

Senate Joint Resolution No. 11—Relative to the use of fresh dairy products in U. S. Army camps.

[Filed with Secretary of State March 30, 1951.]

Fresh dairy products for armed forces

WHEREAS, It has come to the attention of this Legislature that certain members of the armed forces of the United States stationed in camps within the United States are now being served imitation dairy products; and

WHEREAS, Fresh dairy products are abundantly available; and

WHEREAS, Men inducted into the armed forces of the United States are in the habit of, and accustomed to, consuming fresh dairy products; and

WHEREAS, It appears that there is no satisfactory reason why fresh dairy products should not be served in camps within the United States to members of the armed forces; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California request that there be served in camps within the United States to members of the armed forces fresh dairy products when such fresh products are available; and be it further

Resolved, That the Secretary of the Senate be hereby 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.

CHAPTER 63

Senate Joint Resolution No. 20—Relative to the construction of the Pillar Point Breakwater Project at Half Moon Bay, California.

[Filed with Secretary of State March 30, 1951.]

Federal appropriation for breakwater

WHEREAS, The harbor at Half Moon Bay, California, can be made safe by the construction of a breakwater; and

WHEREAS, The construction of the breakwater would make available on the West Coast additional harbor facilities so necessary for the national defense; and

WHEREAS, A safe harbor would be of benefit to the entire State in that its facilities would be available to fishermen and yachtsmen; 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 Congress of the United States to appropriate the funds necessary to construct the Pillar Point Breakwater Project at Half Moon Bay, California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 64

Assembly Joint Resolution No. 19—Relative to the continued propagation of the natural resources of the State with respect to dams constructed by the Bureau of Reclamation.

[Filed with Secretary of State April 2, 1951.]

Propagation of natural resources

WHEREAS, The primary purposes of the construction of dams on streams emptying into the Pacific Ocean or into the Gulf of Lower California by the Bureau of Reclamation are to provide reclamation, irrigation, flood control, and electric power benefits for the State of California; and

WHEREAS, In the construction of dams to attain these primary purposes there is the constant danger that insufficient water will be provided for the continued propagation of the natural resources of the State, such as migratory waterfowl, salmon, steelhead, and other resources dependent upon water; and

WHEREAS, It has always been the understanding of the Legislature of this State that the law and policy of the United States with respect to the development of water resources, the reclamation of land from flood and overflow, and in all other respects is to comply with state laws respecting water; and

WHEREAS, Pursuant to this understanding the United States has been included within the scope of the laws of this State making certain requirements with respect to construction of dams so as to provide for fishways and hatcheries and for screens on conduits, and it is the hope of the people of this State that all federal legislation authorizing the construction of dams on streams in, partially in, or bordering upon this State will be enacted, and that all dams constructed pursuant to said laws will be constructed, with due regard to these state laws; and

WHEREAS, It is of the utmost importance that the necessity of sufficient water for the continued propagation of such natural resources be impressed upon the Bureau of Reclamation so that this phase of the water problems of this State will not be overlooked; 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 respectfully memorializes the California delegation in the Congress of the United States to use every means to induce the Bureau of Reclamation, in their construction of dams upon streams emptying into the Pacific Ocean or into the Gulf of Lower California, to provide the necessary water for the con-

tinued propagation of the natural resources of the State of California, such as migratory waterfowl, salmon, steelhead, and other resources dependent upon water; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 65

Assembly Joint Resolution No. 22—Relative to continuing the 27½ percentage depletion rate for oil producing properties in the Internal Revenue Code.

[Filed with Secretary of State April 2, 1951.]

Depletion rate for oil lands

WHEREAS, Committees of the Congress are considering a reduction of the 27½ percentage yearly depletion rate allowed for income from oil producing properties as provided by the Internal Revenue Code, Section 114 (b) (3); and

WHEREAS, Any reduction would decrease incentive for oil exploration, reduce reserves at time of emergency, cause shut down of marginal wells with a consequent irrecoverable loss of oil, and cripple the program for expanded emergency production; and

WHEREAS, A percentage depletion is the only just method of avoiding a tax on return of capital which is expended on experimental drilling (60 percent of which proves unprofitable); and

WHEREAS, The present income tax laws penalize a taxpayer who produces oil from a well, in that tax advantages would result if he sold the well immediately after discovery, or held it for over six months, the tax on the gains being respectively limited to 30 percent and 25 percent; and

WHEREAS, The percentage depletion of 27½ percent does not fully make up for this vice; and

WHEREAS, The depletion over the years can never exceed the actual amount of capital expended by a taxpayer; and

WHEREAS, The oil industry accounts for 3 percent of the national income but produces 7 percent of all taxes, and any reduction in depletion allowances would further burden an industry paying more than its portion to taxes; 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 refrain from any action which would reduce the present depletion allowance on oil producing properties; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of California.

CHAPTER 66

Assembly Joint Resolution No. 24—Relative to assistance in continuing availability of trained manpower in agricultural aviation.

[Filed with Secretary of State April 2, 1951.]

Deferment for agricultural aviators

WHEREAS, The use of aviation for conducting agricultural operations in the State of California has become an integral part of food and fiber production; and

WHEREAS, Agricultural pest control material was applied to 200,000 acres in California in 1946 and by 1949 such operations had been expanded to cover 2,100,000 acres; and

WHEREAS, There have been other extensive agricultural operations carried on by aircraft, such as seeding, fertilizing, and defoliating during this same period; and

WHEREAS, The requirements for increased agricultural production occasioned by the present international situation plus the lifting of acreage restrictions on important California crops indicate that there will be more than 5,000,000 acres of land in California which will be planted, fertilized, defoliated, or treated for control of pests in 1951; and

WHEREAS, This tremendous volume of agricultural aviation activity is accomplished through the efforts of approximately 300 to 350 pilots and 175 to 225 mechanics, both groups requiring special training and experience in the operation and maintenance of aircraft, and for this purpose, and in the peculiar nature of the operations; and

WHEREAS, Approximately 90 percent of these pilots and approximately 70 percent of these mechanics, who are key personnel in continuing the important work of agricultural aviation, are subject to call to active duty with the armed services, either as members of reserve components or by induction through Selective Service procedures; and

WHEREAS, Recall to active duty or induction into the armed services of any of these key personnel, small in number in relation to the total manpower requirements of the services, but large in number in relation to the volume of production affected by their operations, will drastically hamper and eventually cripple vital agricultural services at a time when this Nation and the world require the absolute maximum production of foods and fiber; 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 seriously consider delaying a call for immediate service in the armed forces of those persons now employed as pilots and trained mechanics in operation of aircraft for agricultural uses until adequate replacements may be procured and trained; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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, to the Secretaries of Defense, Army, Navy, Air Force, Agriculture, and Labor, to each Senator and Representative from California in the Congress of the United States, to the Chairman of the Joint Chiefs of Staff of the United States, and to the Director of the Selective Service System.

CHAPTER 67

Senate Concurrent Resolution No. 37—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly.

[Filed with Secretary of State April 3, 1951.]

Leaves longer than 60 days

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to His Excellency Earl Warren, Governor of the State of California; the Honorable Goodwin J. Knight, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Edmund G. Brown, Attorney General; to Thomas H. Kuchel, Controller; to Charles G. Johnson, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R Reilly, James H. Quinn, Jerrold L Seawell, and William G Bonelli, Members of the Board of Equalization; and to the following Members of the Senate and the Assembly:

Senators F. Presley Abshire, Arthur H. Breed, Jr., Charles Brown, Hugh M Burns, Burt W. Busch, Paul L. Byrne, Randolph Collier, Nathan F. Coombs, James E Cunningham, Roy Cunningham, Earl D. Desmond, H. E. Dillinger, Nelson S. Dilworth, Hugh P. Donnelly, Jess R. Dorsey, Luther E. Gibson, George J. Hatfield, Verne W. Hoffman, Ben Hulse, Ed. C. Johnson, Harold T. Johnson, H R. Judah, Fred H. Kraft, Jesse M. Mayo, James J. McBride, John F. McCarthy, George Miller, Jr., Gerald J O'Gara, Harry L. Parkman, Harold J. Powers, Edwin J. Regan, Louis G. Sutton, Jack B. Tenney, John F. Thompson, Clarence C. Ward, Clyde A. Watson, A. W. Way, Fred Weybret, J. Howard Williams, and the Senator from San Luis Obispo County, when seated; Assemblymen John D. Babbage, Julian Beck, Frank P. Belotti, William Clifton Berry, Bernard R. Brady, Ralph M Brown, Montivel A. Burke, Everett G. Burkhalter, George R. Butters, Thomas W. Caldecott, Charles Edward Chapel, George A Clarke, Ralph R. Cloyed, Arthur W. Coats, Jr., John L. E. Collier, George D. Collins, Sam L.

Collins, Robert L. Condon, Arthur H. Connolly, Jr., Charles J. Conrad, John B. Cooke, Ernest C. Crowley, Lester T. Davis, Randal F. Dickey, Clayton A. Dills, Richard J. Dolwig, Thomas J. Doyle, Francis Dunn, Jr., Edward E. Elliott, Thomas M. Erwin, John W. Evans, Gordon A. Fleury, Edward M. Gaffney, Ernest R. Geddes, William S. Grant, Donald L. Grunsky, Charles S. Gubser, Harlan Hagen, Gordon R. Hahn, William W. Hansen, Augustus F. Hawkins, Wallace D. Henderson, L. Stewart Hinckley, Jonathan J. Hollibaugh, H. W. Kelly, Vernon Kilpatrick, Robert C. Kirkwood, Herbert R. Klocksiem, Frank Lanterman, Harold K. Levering, L. H. Lincoln, Francis C. Lindsay, Glenard P. Lipscomb, Lloyd W. Lowrey, Frank Luckel, Charles W. Lyon, Thomas A. Maloney, Robert I. McCarthy, Richard H. McCollister, John J. McFall, Patrick D. McGee, Lester A. McMillan, Charles W. Meyers, G. Delbert Morris, John E. Moss, Jr., William A. Munnell, Kathryn T. Niehouse, Howard Q Parker, Carley V. Porter, William H. Rosenthal, William Byron Rumford, Stanford C. Shaw, Marvin Sherwin, James W. Silliman, H. Allen Smith, Earl W. Stanley, Albert I. Stewart, Vincent Thomas, Stanley T. Tomlinson, and Laughlin E. Waters.

CHAPTER 68

Senate Concurrent Resolution No. 38—Approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the twentieth day of March, 1951.

[Filed with Secretary of State April 6, 1951.]

City of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, as set out in the certificate of the Mayor of the City of San Bernardino and the city clerk of said city, as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF SAN BERNARDINO

Certificate

We, the undersigned, C. T. Johnson, Mayor of the City of San Bernardino, and John H. Osborn, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Bernardino, a municipal corporation, in the County of San Bernardino, State of California, now is

and at all times herein mentioned was a city containing a popu- Certificate
lation of more than thirty-five hundred inhabitants and as ascertained by the last preceding Census, now has a population of over fifty thousand inhabitants, and is now, and has been, ever since the 8th day of February, 1905, organized, existing and acting under a freeholders Charter adopted under and by virtue of Section 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 held for that purpose, on the 6th day of January, 1905, and approved by the Legislature of the State of California on the 8th day of February, 1905, (Statutes 1905, page 940, et seq.).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Bernardino, by Ordinance No. 1905, duly and regularly submitted to the qualified electors of the said City of San Bernardino those certain proposed amendments to the Charter of the City of said City, said Charter amendments being designated as proposed Charter Amendment Number One, proposed Charter Amendment Number Two, proposed Charter Amendment Number Three, proposed Charter Amendment Number Five, Proposed Charter Amendment Number Six and proposed Charter Amendment Number Seven, to be voted upon by said qualified electors at a special election called and held for that purpose in said City on the 20th day of March, 1951, consolidating said special election with the municipal primary election to be held in said City on the 20th day of March, 1951.

That said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on the 22nd day of January, 1951, in the San Bernardino Evening Telegram, a daily newspaper of general circulation published in said City and of general circulation therein, there being no official newspaper in said City, and in each edition thereof during said day of publication.

That copies of said proposed Charter 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, in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the Office of the City Clerk of the City of San Bernardino was advertised and published in said San Bernardino Evening Telegram, a daily newspaper of general circulation printed and published in said City, on the 23rd day of January, 1951, and thereafter in each and every issue of said newspaper up to and including March 20, 1951, the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California;

That copies of said proposed Charter amendments could be had upon application therefor at the Office of the City Clerk

of said City up to and including the 20th day of March, 1951, the day fixed for said election.

That the Common Council of said City, by an Ordinance designated "Ordinance No. 1905", did call and order the holding of a special municipal election in the City of San Bernardino on the 20th day of March, 1951, which date was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter amendments to said Charter in the San Bernardino Evening Telegram, and which said Ordinance calling said election specified, ordered and ordained that said proposed Charter amendments be submitted to the qualified electors of said City at said special election for their ratification or rejection, and that said Common Council did by said Ordinance No. 1905 order said special election consolidated with the municipal primary election to be held in the City of San Bernardino on said 20th day of March, 1951.

That said special municipal election was held in the City of San Bernardino on the 20th day of March, 1951, and that at said election, a majority of the qualified voters voting thereon voted in favor of and did ratify three of said proposed amendments to the Charter of the City of San Bernardino, being propositions number five, six and seven, hereinafter specifically set forth and did reject propositions number One, Two and Three, and that said Mayor and Common Council of the City of San Bernardino did, in accordance with the law in such cases made and provided, duly and regularly canvass the returns of said election and did duly find, determine and declare the result of said special election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on each of said proposed Charter amendments hereinafter set forth and designated as Proposed Charter Amendment Number Five, Proposed Charter Amendment Number Six and Proposed Charter Amendment Number Seven, had voted for and ratified each of said amendments and thereafter, the City Clerk and ex-Officio Clerk of the Mayor and Common Council of the City of San Bernardino did enter the record thereof in the Minutes of the meeting of said Mayor and Common Council.

That said proposed amendments to the Charter of the City of San Bernardino so ratified by the electors of the City of San Bernardino are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO FIVE

Election results

"Section 10-A. Any candidate for a judicial, school or any City office who at a primary election shall receive votes on a majority of all the ballots cast for candidates for the office for which such candidate seeks nomination, shall be elected to such office. Where two or more candidates are to be elected to a given office and a greater number of candidates receive a

majority than the number to be elected, those candidates shall be elected who secure the highest votes of those receiving such majority, and equal in number to the number to be elected."

PROPOSED CHARTER AMENDMENT NO. SIX

"Section 82. Any thing in this Charter to the contrary notwithstanding, it is hereby provided that the office and position of City Engineer shall come under, and be included in, the classified service of the Civil Service of the City of San Bernardino." City engineer

PROPOSED CHARTER AMENDMENT NO. SEVEN

"Section 87. Anything in this Charter to the contrary notwithstanding, it is hereby provided that the office and position of Superintendent of Streets shall come under, and be included in, the classified service of the Civil Service of the City of San Bernardino." Superintendent of Streets

That we have compared the foregoing amendments 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; we further certify that the facts set forth in the preamble preceding such amendments to said Charter, and each of them, are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Bernardino to be affixed hereto this 2nd day of April, 1951.

C. T. JOHNSON
(SEAL) Mayor of the City of San Bernardino
JOHN H. OSBORN
City Clerk of the City of San Bernardino.

and

WHEREAS, The said proposed amendments 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 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 San Bernardino as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of San Bernardino. Approval

CHAPTER 69

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 3 of Article XX, relating to oaths of office.

[Filed with Secretary of State April 6, 1951.]

Constitution Amendment. Sec. 3 of Article XX, re oaths

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 3 of Article XX, to read as follows:

SEC. 3. Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

_____

(If no affiliations, write in the words "No Exceptions")

and that during such time as I hold the office of_____

(name of office)

I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment.

"Public officer and employee" includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.

CHAPTER 70

Senate Concurrent Resolution No. 39—Relative to seeking deferments for crop dusting pilots and mechanics.

[Filed with Secretary of State April 9, 1951]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Representative to secure deferments

The Joint Interim Committee on Agriculture and Livestock, created by Senate Concurrent Resolution No. 54 at the 1949 Regular Session of the Legislature, is hereby authorized to send one of its members to Washington for the purpose of securing deferments for pilots and mechanics of crop-dusting places by having them placed on the "critical labor list" until suitable replacements for them can be trained.

CHAPTER 71

Senate Joint Resolution No. 27—Relative to memorializing Congress to allow states a credit for civil defense expenditures made prior to the effective date of any federal appropriation made to match civil defense expenditures by states.

[Filed with Secretary of State April 9, 1951]

Credit for prior defense expenditures

WHEREAS, Many states, including California, are anxious and ready to make immediate expenditures in order to establish an effective civil defense program; and

WHEREAS, There is no doubt that some of the expenditures so made would be in categories which would qualify for federal sharing if incurred after a federal appropriation to match states' expenditures becomes available; and

WHEREAS, The Federal Civil Defense Administration has indicated that it will not ask Congress for authority to match civil defense expenditures made by states before such an appropriation act is enacted; and

WHEREAS, Such a position taken by the Federal Government would result in penalizing those states which are striving to put an effective civil defense program into action at the earliest possible time in accordance with the request of the Federal Government, and would deter prompt action as to civil defense on the part of the states, cities, and counties; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is hereby memorialized and requested to provide in any appropriation act enacted to match states' expenditures for civil defense that states making civil defense expenditures prior to the effective date of the appropriation act shall receive a credit for such expenditures; 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, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 72

Senate Concurrent Resolution No. 16—Relative to dangerous grades on State Highways.

[Filed with Secretary of State April 11, 1951]

Improvement of U S Highway 101

WHEREAS, The welfare of the people of the State of California demands a free and uninterrupted flow of vehicular traffic and commerce at all times; and

WHEREAS, Slow moving trucks and busses and other heavily laden vehicles on dangerous grades greatly impede the flow of traffic until it is often brought to a standstill; and

WHEREAS, This situation results in a dangerous condition of the highways which needs be corrected for the safety of all highway users; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the California Highway Commission to make a study to determine where it may be necessary to provide for the construction of four-lane highways on dangerous grades and curves on that portion of the State Highway numbered U. S. 101 from San Francisco to the California-Oregon boundary; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each member of the California Highway Commission and the State Highway Engineer.

CHAPTER 73

Assembly Joint Resolution No. 23—Relative to economy in federal government expenditures and services.

[Filed with Secretary of State April 11, 1951]

Reduction in federal expenditures

WHEREAS, The United States faces a threat of war with communist forces; and

WHEREAS, To meet the urgent needs of national defense, and to preserve our freedom, our forces must be armed at heavy expense; and

WHEREAS, These expenses must be met, under present proposals, not only by higher taxes, but by continued deficit spending; and

WHEREAS, The threat of increasing federal debt, further devaluation of the dollar, and continued inflation are the cause of great concern to persons in all walks of life; 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 immediately and drastically reduce nonmilitary expenditures, eliminate nonessential services, and consider and study every means to eliminate unnecessary military expenditures; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 74

Assembly Concurrent Resolution No. 34—Relative to the veterans' property tax exemption in respect to persons now serving in the armed forces.

[Filed with Secretary of State April 11, 1951.]

Application of veterans' exemption

WHEREAS, The veterans' property tax exemption provided by Section 1¼ of Article XIII of the State Constitution by its terms extends to qualified persons in the armed forces of the United States in time of war; and

WHEREAS, The present hostilities in Korea constitute a war within the meaning of that section; 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 does hereby request all taxing authorities concerned with the administration of our property tax laws to interpret and apply the veterans' exemption granted by Section 1¼ of Article XIII of the State Constitution in favor of all qualified persons now serving in the armed forces of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to each county and city assessor and to the Chief of the Assessment Standards Division of the State Board of Equalization.

CHAPTER 75

Assembly Concurrent Resolution No. 42—Relative to the intent of the Legislature with reference to its powers in connection with the enactment of Senate Bill No. 1218 which adds Section 10246 to the Government Code.

[Filed with Secretary of State April 13, 1951.]

Appearance of Legislative Counsel

WHEREAS, The Legislature has enacted Senate Bill No. 1218, as amended in the Assembly April 11, 1951, adding Section 10246 to the Government Code relating to participation by the Legislative Counsel in judicial proceedings; and

WHEREAS, In enacting this bill it was not the intent of the Legislature to impose any degree of limitation or restriction upon its inherent powers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares and reasserts its power to employ and authorize the Legislative Counsel, or other legal counsel, to appear in judicial proceedings on behalf of the Legislature, either house thereof, any committee composed of members of either or both houses, or on behalf of any member of either house in his official capacity, in any case wherein the Legislature deems that the appearance of the Legislative Counsel or other legal counsel in judicial proceedings is proper and desirable; and be it further

Stats 1951, Ch 92

Resolved, That the Legislature hereby declares that the final passage of Senate Bill No. 1218, of the 1951 General Session of the Legislature as amended in the Assembly on April 11, 1951, is not and shall not be construed to be in any way an indication of intent on its part to limit the power and authority of the Legislature.

CHAPTER 76

Senate Joint Resolution No 26—Relative to flood control studies.

[Filed with Secretary of State April 16, 1951.]

Funds for flood control studies

WHEREAS, The United States Army Engineers have been authorized to make many flood control studies which they are unable to undertake for want of sufficient funds; and

WHEREAS, The immediate construction of many projects authorized to be studied, such as the Guadalupe River and other streams, which includes San Francisquito Creek, is necessary for the protection of the safety of the people; 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 to make sufficient funds available to the United States Army Engineers to permit them to undertake

all authorized flood control studies without delay; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy 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.

CHAPTER 77

Assembly Joint Resolution No. 20—Relative to the use of federal gasoline tax money.

[Filed with Secretary of State April 17, 1951]

Use of federal gasoline tax revenue

WHEREAS, The Federal Government imposes a one and one-half cent ($0.015) a gallon tax on gasoline sold by the producer or importer thereof; and

WHEREAS, The ultimate burden of paying such tax is on those who operate motor vehicles over the Nation's highways; and

WHEREAS, It is only just and equitable that the revenue derived from the federal gasoline tax be used primarily for the benefit of those who make it possible; 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 amend the federal gas tax law so that all revenue collected thereunder shall be used solely for the construction, improvement, repair and maintenance of highways throughout 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 President of the United States, the President 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.

CHAPTER 78

Senate Joint Resolution No. 25—Relative to memorializing Congress to enact H. R. 3110.

[Filed with Secretary of State April 17, 1951.]

Bridge approach funds

WHEREAS, It has come to the attention of the Legislature of the State of California that on March 7, 1951, H. R. 3110 was introduced in the House of Representatives of the Congress of the United States; and

WHEREAS, H. R. 3110 is entitled "A bill to permit the allocation of funds under the Federal Highway Act for the

construction, reconstruction, or maintenance of highway approaches to certain toll bridges which are part of the strategic network of highways."; and

WHEREAS, H. R. 3110 is of vital importance to the United States, the State of California, and the San Francisco Bay region because its enactment would permit the Commissioner of Public Roads to extend federal aid in accordance with the Federal Highway Act, for the construction and improvement of much-needed highway approaches to the Golden Gate Bridge and the San Francisco-Oakland Bay Bridge; and

WHEREAS, The construction and improvement of approaches to the Golden Gate Bridge and the San Francisco-Oakland Bay Bridge are urgently needed at the present time because the ever-increasing tempo of our national defense efforts and consequent mushrooming of military traffic places an unduly heavy burden on the existing approach facilities of these bridges while the free flow of military and civilian traffic in the San Francisco Bay region is a prime requisite to the national and state emergency defense programs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California, in the interests of the welfare and safety of the people of the State of California, hereby respectfully memorializes and urgently requests the Congress of the United States of America to enact H. R. 3110 without delay; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Chairman of the House Committee on Public Works, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 79

Assembly Joint Resolution No. 27—Relative to General Douglas MacArthur.

[Filed with Secretary of State April 18, 1951.]

General Douglas MacArthur

WHEREAS, General Douglas MacArthur has countless admirers throughout our Nation and the World because of his outstanding ability as a military leader; and

WHEREAS, It is impossible to enumerate General MacArthur's achievements, which range from becoming Brigadier General at the early age of 38, Superintendent of West Point at 39, Chief of Staff of the U. S. Army, Supreme Commander of Allied Land, Air, and Sea Forces in the South Pacific during World War II, and Allied Supreme Commander accepting the surrender of Japan, where he remained as Supreme Commander; and

WHEREAS, General MacArthur has further distinguished himself by conducting the Korean War as Supreme Commander for the United Nations under extraordinary conditions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Members of the Legislature hereby express their admiration for General Douglas MacArthur's distinguished military record; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send 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, and to General Douglas MacArthur.

CHAPTER 80

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article XI thereof, relating to the charters of cities and cities and counties.

[Filed with Secretary of State April 19, 1951.]

Constitution Amendment Sec. 8 of Art. XI, re city and city and county charters

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 8 of Article XI of the Constitution to read as follows:

SEC. 8. (a) Any city or city and county containing a population of more than 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this Constitution; and any city or city and county having adopted a charter may adopt a new one. Any such charter may be framed by a board of 15 freeholders chosen by the electors of such city or city and county, at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city or city and county. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city or city and county, and on presentation of a petition signed by not less than 15 percent of the registered electors of such city or city and county, the legislative body shall call such election at any time not less than 30 nor more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having

Constitution Amendment

charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof.

(b) Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal or city and county government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

(c) At such election the electors shall vote first on the question "Shall a board of freeholders be elected to frame a proposed new charter?" and secondly for the candidates of the office of freeholder. If the first question receives a majority of votes of the qualified voters voting thereon at such election, the 15 candidates for the office of freeholder receiving the highest number of votes shall forthwith organize as a board of freeholders, but if the first question receives less than a majority of the votes of the qualified voters voting thereon at such election no board of freeholders shall be deemed to have been elected.

(d) The board of freeholders shall, within one year after the result of the election is declared, prepare and propose a charter for the government of such city or city and county. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city or city and county. The legislative body of said city or city and county shall, within 15 days after such filing, cause such charter to be published once in the official newspaper of said city or city and county and each edition thereof, during the day of publication (or in case there be no such official newspaper, in a newspaper of general circulation within such city or city and county and all the editions thereof issued during the day of publication) and in any city or city and county with over 50,000 population shall cause copies of such charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies thereof to be mailed to each of the qualified electors of such city or city and county, and shall, until the day fixed for the election upon such charter, advertise in one or more newspapers of general circulation in said city or city and county a notice that copies thereof may be had upon application therefor.

(e) Such charter shall be submitted to the electors of such city or city and county at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than 60 days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said 60 days.

(f) As an alternative, the legislative body of any such city or city and county, on its own motion may frame or cause to be framed, a proposed charter and submit the proposal for the adoption thereof to the electors at either a special election

called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as herein provided for the advertisement of a charter proposed by a board of freeholders, and the election thereon held at a date to be fixed by the legislative body of such city or city and county, not less than 40 nor more than 60 days after the completion of the advertising in the official paper. Constitution Amendment

(g) If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city, and in the case of a city and county one copy shall be filed with the recorder thereof, and one in the archives of such city and county; and thereafter the courts shall take judicial notice of the provisions of such charter.

(h) The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body thereof on its own motion or on petition signed by 15 percent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than 60 days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city or city and county, not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

(i) If a majority of the qualified voters voting on any such amendment vote in favor thereof, it shall be deemed ratified, and shall be submitted to the Legislature if then in session, or at the regular or special session next following such election;

and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter.

(j) In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the establishment of a borough system of government for the whole or any part of the territory of the city or city and county governed thereby, by which one or more boroughs or districts may be created therein and to provide that each borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for such boroughs and districts in the charter of the city or city and county.

(k) The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

CHAPTER 81

Assembly Concurrent Resolution No. 44—Approving 14 certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State April 21, 1951]

City of Los Angeles Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of 14 amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million seven hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles, certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held for that purpose on the 3rd day of April, 1951, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 respectively.

That on the 21st day of February, 1951, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 21, 1951, in "The Los Angeles Daily Journal and The Los Angeles News", a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 21, 1951, to and

Certificate

including April 3, 1951; and a notice was advertised and published on and from February 21, 1951 to and including April 3, 1951, in "The Los Angeles Daily Journal and The Los Angeles News", a newspaper of general circulation in said city that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 3, 1951, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, and 16, voted in favor thereof and adopted and ratified the same; and proposed charter amendment number 11 received less than a majority of the votes of the qualified electors voting thereon, and was not adopted nor ratified; as appears by the official canvass, finding and declaration of the Council of the said City of Los Angeles, which pursuant to law met on April 12, 1951, at its usual time and place of meeting, and duly canvassed the returns of said election as certified by the election boards.

That the said amendments to the Charter of The City of Los Angeles so adopted and ratified by the qualified electors of said City and which shall be submitted to the Legislature for approval or rejection are in words and figures as follows:

CHARTER AMENDMENT No. 1

A new section, numbered Sec. 161, is added to the Charter of The City of Los Angeles, to read:

Library Department

Sec. 161. The Library Department shall have the power and duty to design, construct, alter, maintain, light, heat, ventilate and care for all buildings, structures and grounds devoted to purposes of the department, from any funds under its control and available for such purposes, notwithstanding any other provisions of this Charter.

CHARTER AMENDMENT No. 2

A new section, numbered Sec. 163, is added to the Charter of The City of Los Angeles, to read:

Same

Sec. 163 The Library Department may lease property under its control for the purposes and under the limitations and procedure established in Sec. 178.1 of this Charter. Any such revenue shall be credited to the library fund.

The department itself may design, construct and operate parking stations under lands under its control, subject to subdivisions (1) and (2) of paragraph (a) of Sec. 178.1 of this Charter.

CHARTER AMENDMENT No. 3

Section 6 of the Charter of The City of Los Angeles is amended to read:

Sec. 6(1) The following officers of the city shall be elected by the electors of the City of Los Angeles, at large: Election of officers

Mayor,
City Attorney,
Controller,
The Members of the Board of Education.

(2) The members of the Council shall be elected by districts, as follows:

(a) Between the dates of September 1 and November 15 of each fourth year, commencing with the year 1952, the Council shall, by ordinance, redistrict the city into fifteen (15) districts, and such districts shall be used for all elections of councilmen, subsequent to such date until new districts are established. Districts so formed shall comprise as nearly as practicable equal numbers of voters, as determined by the total number of registered voters in said districts at the close of registration for the general state election to be held during the year in which such districts are to be established, and shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, immediately following such annexation or consolidation, be added to an adjacent district or districts by the Council by ordinance.

(b) The electors signing any petition for the nomination of any person to the office of member of the Council, or for the recall of any member of the Council, shall be qualified, registered voters and residents of the district from which such person seeks to be elected, or in the case of a recall petition of the district from which such member was elected; and in the case of a member of the Board of Education, electors signing any petition for the nomination of any person to the office of member of the Board of Education, or for the recall of any member of the Board of Education, shall be qualified, registered voters and residents of the Los Angeles City School District The names of no electors not qualified, registered voters and residents of the respective district involved shall be counted in determining the sufficiency of any such petition.

CHARTER AMENDMENT No. 4

Section 7 of the Charter of The City of Los Angeles is amended to read:

Sec 7. The Mayor, City Attorney, Controller, and members of the Board of Education shall hold their offices for a term of four years, and the members of the City Council for a term of two years, and all above officials' terms shall commence on the first day of July next succeeding their election. Terms of office

CHARTER AMENDMENT No. 5

Sections 273, 274.1, and 283 of the Charter of The City of Los Angeles are amended to read:

Petition proposing ordinance

Sec. 273. Any petition submitting a proposed ordinance, legislative, administrative or executive, to the Council, as provided in this article, shall be in the form, and shall be signed, filed and certified as follows:

(a) In printing such petitions, sheets of white No. 1 Sulphite, or better, paper, size 8½ inches by 14 inches, not less than 16 pound substance, shall be used. Such petitions shall consist of separate sections.

(b) Each section shall consist of a sheet, or sheets, containing the heading in 24 point capital type; the request, followed by the names and addresses of five electors of the city, who, as a committee of petitioners, shall be officially recorded as sponsoring and filing the petition, in 10 point upper and lower case; the ordinance in 12 point type; and the balance in 8 point type.

(c) A short title, not exceeding twenty words, showing the nature of the petition and the subject to which it relates, shall be printed on the first sheet of each section and also on all succeeding sheets of each section, but the request, ordinance, or other printed matter need be printed only on the first sheet of each section.

(d) Each sheet, except the first sheet of each section, shall contain 27 signature lines of 24 point ruling to the sheet; each line numbered consecutively, starting with number one on the first sheet, all numbers indented at least one-half inch from left margin. On the bottom of all but the last sheet there shall be a line under which shall be printed in 8 point type the words "Identification Signature."

(e) All petitions shall be signed by registered, qualified electors of the city in their own proper person, in ink or indelible pencil, and opposite his signature there shall be written by each signer, in his own handwriting, his precise residence address at the time of signing, giving street and number, when such designation can be given. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The date of each signature shall be shown but need not be in the handwriting of the signer. A petition when filed must have designated thereon the name or number of the respective precinct in which each of the signers resides. The signatures on the petition need not all be appended to one paper. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures in the required number, and all names signed to a petition must have been secured not more than six months prior to the date of filing. In the event any name shall have been affixed more than six months prior to the date of filing of the petition, such name shall not be counted in determining the sufficiency of the petition.

(f) Each individual section shall have attached thereto at the bottom of the last sheet thereof in 10 point upper and lower case the following affidavit, which shall be sworn to by the person circulating such section: Petition

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES. } ss.

I, _____, do hereby certify that I am a qualified, registered elector of the City of Los Angeles, that my present, precise residential address is No. _____ Street, in the City of Los Angeles, County of Los Angeles, State of California; that my precinct number is _____; that the date and number of my registration are: Date _____; Registration No._____; that each signature on these sheets is genuine and was affixed thereto, on date shown, in my presence, by a separate individual who to me declared himself at the time of signing to be a qualified, registered voter of the City of Los Angeles and actually residing at the address as above set forth; and that all of the sheets constituting this petition were fastened together at the time such signatures were appended thereto.

Name _____
Address _____
Date _____

Subscribed and sworn to before me this _____ day of_____, A.D. _____.

_____
My commission expires_____

No names on any section of any petition shall be considered valid unless such affidavit is properly executed and affixed to such section of the petition prior to its being filed with the City Clerk.

(g) All sheets of each section shall be backed in colored manuscript cover, weight to be not less than 16 pound basis, with 1 inch foldover at the top and stitched with three wire stitches. Sections shall be numbered consecutively in center of cover binding edge, starting with number 1.

(h) Within thirty days from the date of the filing of such petition, the City Clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified registered electors of the city by searching for the original affidavit of registration in the precinct book bearing the same number as that which was written on the petition. Signatures shall be considered valid only if an affidavit is found in said precinct book dated on or prior to the time of signing and the signature and address correspond with that on the petition. The City Clerk may discontinue the further checking of a petition after having obtained the number of names required by law.

Petition

(i) When the City Clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of electors of the city, he shall certify that the same is sufficient or insufficient as the case may be.

If by the certificate of the City Clerk the petition is found to be insufficient, it may be supplemented by filing, within ten days, a supplemental petition, in form a duplicate of original petition, bearing additional signatures, secured within such ten day period. No signature on a supplemental petition shall be considered valid if it is shown by the date affixed to the petition that it was signed prior to the date of the certificate of insufficiency of the City Clerk to the original petition, or if that signature appeared on the original petition and was previously given proper credit. The City Clerk shall, within ten days after the filing of such supplemental petition, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or any such petition as supplemented, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect after the expiration of six months from date of City Clerk's certificate. But if, by the certificate of the City Clerk, such petition, or such petition as supplemented, is shown to be sufficient, the City Clerk shall present the same to the Council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the Council.

If any supplemental petition is properly filed as herein provided, all valid signatures appended to the original petition and to the supplemental petition shall be considered in determining the sufficiency or insufficiency of such petition.

(j) Any signer to a petition or supplemental petition may withdraw his name by filing with the City Clerk a verified revocation of his signature before the filing of the petition or supplemental petition containing his signature, with said City Clerk. No signature can be revoked after the petition, or supplemental petition to which it is attached, has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be questioned and in the judgment of the City Clerk should be investigated, the City Clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the City Clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

(k) All petitions hereinabove referred to which have been filed with the City Clerk shall be retained by him for one year. If a contest is not commenced within one year from the date of the certificate of the City Clerk to the City Council, the City Clerk may then destroy the petition, unless it has been entered in evidence in some action or proceedings then pending, with the exception of that section marked "No. 1", to which shall be attached his certificate, and which copy shall be kept indefinitely. Petition

(*l*) The sponsors of a petition shall be fully responsible for such petitions being complete in every detail and in proper form when filed with the City Clerk No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition subsequent to it being filed with the City Clerk.

Sec. 274.1. In the event that said petition prays for the submission of a proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of the city equal in number to fifteen per cent (15%) of the qualified voters of the city, estimated on the basis aforesaid, then but not otherwise, the Council must submit such proposed ordinance to a vote of the electors of the city at the next election for any purpose at which all the qualified voters of the city are entitled to vote, that shall be held at any time after ninety (90) days from the date of the certification of such petition to the Council by the City Clerk.

Sec. 283. Upon presentation to the Council by the City Clerk of a referendary petition or petitions, the ordinance, order, or resolution, the submission of which to a referendary vote is thereby demanded, must be either repealed by the Council without delay, or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to ninety (90) days from the date of the certification of such referendary petition to the Council by the City Clerk; provided, that if before such general municipal election, any other election for any purpose at which all the qualified voters of the city are entitled to vote shall be held in said city, then such ordinance, order, or resolution shall be so submitted at such last named other election if held subsequent to ninety (90) days from date of certification, if the Council may so determine; provided, however, that the Council may, in its discretion, at any time subsequent to the presentation of such petition, call a special election at which the ordinance, order, or resolution contained in such petition may be submitted to a referendary vote, but not less than ninety (90) days subsequent to the certification of the petition.

CHARTER AMENDMENT NO 6

Sections 290 and 295 of the Charter of The City of Los Angeles are amended to read:

Sec. 290. Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may Recall

Recall

be removed from office by the qualified electors of the City of Los Angeles, as hereinafter provided. Such removal of the incumbent of an office shall be known as the recall, and the procedure to effect the removal of an incumbent of an elective office shall be as hereinafter provided.

(a) A petition signed by qualified electors equal in number to at least twenty per cent of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general municipal election, or primary nominating election, at which an incumbent of such office was elected, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. If said petition demands the submission of the question of the removal of a member of the Board of Education or of a member of the Council elected at large, said twenty per cent shall be computed in the case of the recall of a member of the Board of Education, upon the total number of votes cast for all candidates for the Board of Education at the last general election at which members of the Board of Education were elected, divided by the number of members of the Board of Education elected at said election; and in the case of the recall of a member of the Council, elected at large, upon the total number of votes cast for all candidates for the Council at the last general election at which members of the Council were elected, divided by the number of members of the Council elected at said election. In case councilmen shall be elected by districts, instead of at large, the twenty per cent above provided for shall be computed upon said total number of votes cast within the district from which the councilman, for whose recall the petition asks, was elected, and only the signatures of registered voters living within said district shall be counted in computing said twenty per cent. At any such recall election of a councilman elected from a district, only voters within the district shall be entitled to vote. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review; provided, however, that no petition for the removal of any elective officer shall be so filed until he has actually held his office for three months.

(b) Except as otherwise herein provided, the provisions of this article relating to the form and to the mode of signing initiative petitions, and to the filing, examining, certifying, supplementing, presenting to the Council, and the retaining thereof, shall apply to any petition filed with the City Clerk under this section. Such petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the Council.

(c) Before submitting the petition for signatures, its proponents shall publish a notice of intention so to do. The

notice shall be accompanied by a printed statement, not exceeding 300 words in length, of the reasons for the proposed recall. The notice and statement shall be published at least once in a newspaper of general circulation published in the city.

(d) A copy of the notice of intention shall be served upon, or sent by registered mail to the officer sought to be recalled and an affidavit of such service shall be filed forthwith with the clerk of the legislative body of the city. The affidavit shall designate the mode in which service was made.

(e) Within 14 days after the publication of the notice and statement, the officer sought to be recalled, or anyone upon his behalf, may publish an answer to the statement. The answer to the statement shall not exceed 300 words in length, and shall be published in a newspaper of general circulation published in the city. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect in any manner the validity of the proceedings taken under this charter.

(f) Twenty-one days after the publication or posting of the notice and statement, the petition demanding the recall of the officer may be circulated among the qualified voters of the city for the securing of signatures. The petition shall bear a copy of the printed notice of intention and accompanying statement and the answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within six months from the first day to circulate.

(g) Upon the presentation of such recall petition to the Council by the City Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city at large or in the district, as the case may be, the question whether such officer shall be recalled, and if recalled, for the election of his successor. Such special election shall be held not less than seventy-five days nor more than ninety days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote, is to occur not less than sixty nor more than ninety days after the date of such certificate, the Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such other election, occurring not less than sixty nor more than ninety days after the date of said certificate of the City Clerk.

Nomination

Sec. 295. Any candidate to be voted for at a recall election, other than the incumbent sought to be removed, may be nominated by petition, which petition shall conform to the provisions of this charter so far as applicable relating to nominating petitions at primary nominating elections. Each petition must be filed with the City Clerk within 15 days from the date of the City Clerk's certification as to the sufficiency of the recall petition. The City Clerk shall have available nominating petitions for the candidates at the time of certification to the sufficiency

of the petition, and nominating petitions may be circulated upon the City Clerk's certificate of sufficiency. In a recall election a filing fee equal to two per cent of the first year's salary shall be paid to the City Clerk by each candidate at the time of taking out nominating petitions, notwithstanding the provisions of Sections 318.1 and 320 of this charter.

Immediately upon the presentation of any such petition the City Clerk shall ascertain and determine, in the manner hereinbefore provided in Charter Section 273, whether or not such petition is signed by the requisite number of qualified electors of the city or district. The City Clerk, within five days after filing thereof, shall attach his certificate to such petition, showing the result of his examination. If it shall appear therefrom that any such petition is not signed by the requisite number of qualified registered electors, the same may be supplemented within three days from the date of such certificate by filing a supplemental petition in form a duplicate of the original petition. The City Clerk shall, within five days after such supplemental petition is filed, make like examination thereof and shall certify the result of such examination, but no further supplemental petition shall be allowed. If any such petition, as supplemented by a supplemental petition, be signed by the requisite number of qualified registered electors, both the original petition and supplemental petition being considered together for that purpose, the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

CHARTER AMENDMENT NO. 7

Section 305 of the Charter of The City of Los Angeles is amended to read:

Election returns

Sec. 305. The returns of every election shall be delivered to the City Clerk, who shall, within fourteen days after any election, canvass the returns and certify them to the City Council, who shall declare the result thereof and order certificates of nomination or election issued to persons nominated or elected at primary nominating elections, and certificates of election to those persons elected at general municipal elections. The Council shall be the judge of the qualifications of all of the elective officers. Provided, that when any municipal election is consolidated with any state or county election, the ballots used may be the ballots used at such state or county election, or may be separate ballots, or the voting may be in such manner as may be authorized by law, and the Board of Supervisors or Registrar of Voters of Los Angeles County shall canvass the returns and shall certify the result of such canvass of all municipal questions submitted at such election, to the Council, who shall thereupon declare the result thereof, and any act in relation to the conduct of such election, required by this charter to be performed by an officer or employee of the city, shall be performed by the proper officer or employee of the county. Whenever requested by the City Clerk, the Council shall authorize him to

employ such persons, in addition to the persons regularly employed in his office, as may be necessary to assist him in the performance of any duty imposed upon him by the charter or by the Council in connection with the conduct of any election and the provisions of the charter respecting the classified civil service of the city shall not apply to the persons so specially employed.

CHARTER AMENDMENT NO. 8

Sections 317, 318, 320, 321, and 323 of the Charter of The City of Los Angeles are amended to read:

Sec. 317. The name of a candidate for nomination shall not be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form: Nomination petition Form

Petition for Nomination of

_____ for _____

We, the undersigned, qualified, registered electors of the City of Los Angeles, County of Los Angeles, State of California, do hereby petition that the following named person shall be a candidate for the office hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election.

Name of Candidate	Office	Address
_____	_____	_____

If name has been changed, fill in the following statement:

(See L. A. City Election Code, Sec. 325)

My name was changed to the above from

_____ _____

(Former Name)

On _____ by _____

(Date) (Method [Decree of Court, Etc.])

Name of Petitioner	Address
_____	_____
Date	Precinct No.
_____	_____

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES. } ss.

I, _____, do hereby certify that I am a qualified, registered elector of the City of Los Angeles, that my present, precise residential address is No. _____ Street, in the City of Los Angeles, County of Los Angeles, State of California; that my precinct number is _____; that the date and number of my registration are: Date _____; Registration No. _____; that each signature on these sheets is genuine and was affixed

thereto, on date shown, in my presence, by a separate individual who to me declared himself at the time of signing to be a qualified, registered voter of the City of Los Angeles and actually residing at the address as above set forth.

Name _____

Address _____

Date _____

Subscribed and sworn to before me this _____ day of _____ A.D._____.

_____

My commission expires_____

Size, signatures, etc

Sec. 318. Such petition shall consist of sheets of uniform size, to be furnished by the City Clerk, and said petition and each separate sheet thereof shall be preceded by a heading in large, clear letters or type giving name of petition, or for what office, and name of candidate nominated, as prescribed in Section 317 of this charter.

Such petition shall be signed by qualified electors of the City of Los Angeles in their own proper persons only, and opposite the signature of each signer his residence address shall be written by him, or if he is unable to write, by someone under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city, stating his residence address, with street and number, when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end so as to form a continuous strip or roll.

Filing

Sec. 320. Said nominating petition shall be filed with the City Clerk not more than eighty days and not less than sixty-five days prior to the primary nominating election, and the said Clerk shall endorse thereon the date of filing. A filing fee equal to two per cent of the first year's salary shall be paid to the City Clerk by each candidate for municipal office upon the filing of said petition, less the amount previously deposited by him, except that the total filing fee for a candidate for the office of member of the Board of Education shall be $24.00. The City Clerk shall immediately pay into the city treasury all fees.

The City Clerk, upon the filing with him of a nominating petition, shall determine whether or not the petition is signed by the requisite number of qualified registered electors. Within five days after filing of such petition with the City Clerk, he shall

attach his certificate thereto showing the result of his examination.

Supplemental petition

Sec. 321. If, by the City Clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be supplemented by filing a supplemental petition within five days from the date of said certificate. The said Clerk shall, within five days after the filing of such supplemental petition, make like examination of the supplemental petition, and shall certify as to the result of his examination, but no further supplement shall be allowed; and provided, further, that no supplement to such petition shall be allowed after the expiration of the time for filing nominating petitions, as set forth in Section 320 of this charter.

Withdrawal of candidacy

Sec. 323. Within three days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death or other disqualification of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor within ten days after the expiration of the time for the filing of petitions for nomination, but no supplement to any such petition shall be allowed.

Charter Amendment No. 9

A new section, numbered Sec. 377, is added to the Charter of The City of Los Angeles, to read:

Limitations on refunds, credits

Sec. 377. The Council, by ordinance, may provide for and prescribe limitations upon and the mode and manner of making refunds and allowances of credits for the overpayment of license, sales, use, occupation and other privilege taxes made to the city. Upon the adoption of such an ordinance, the six months limitation in Section 376 contained shall not apply to claims or demands based upon the overpayment of such taxes, but the presentation and payment of such claims and demands shall be controlled by the terms of such ordinance so long as it remains in effect.

Charter Amendment No. 10

A new section, numbered 386.1, is added to the Charter of The City of Los Angeles, to read:

Suspension of contract restrictions

Sec. 386.1. In time of war or national emergency declared or proclaimed by the Congress or the President of the United States, the Council, by vote of two-thirds of all its members, may suspend by resolution (giving the reasons therefor) any or all of the restrictions of Sec. 386 on contracts for the furnishing of materials, supplies or equipment, when such suspension

is approved by the Mayor. Such suspension may be limited to specified classes of contracts, and to specified boards, officers or employees of the City who are authorized to contract.

CHARTER AMENDMENT NO. 12

Section 75 of the Charter of The City of Los Angeles is amended to read:

Officers employees of boards

Sec. 75. Each of the boards referred to in Sec. 70 shall appoint a secretary, not a member of the board, and a chief accounting employee, who may be the secretary. However, any board of a department having control of its own revenues and funds may appoint any officer or employee of the department, other than a member of the board, as secretary, or any officer or employee of the department, other than a member of the board or the general manager, as chief accounting employee, and assign the duties thereof to such officer or employee which shall be in addition to the regular duties prescribed for such officer or employee. The Council may, by ordinance, at the request of the Board concerned, combine the positions of secretary or chief accounting employee, or both, with any other position in any department not having control of its own revenues and funds, except that the positions of general manager and chief accounting employee may not be so combined. Any appointment made under this section shall be subject to the provisions of Article IX of this charter. The secretary shall keep a record of the proceedings and transactions of the board, specifying therein the names of the commissioners at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or published, and shall perform such other duties as are herein, or may be by order of the board, imposed on him.

CHARTER AMENDMENT NO. 13

Sec. 17 of the Charter of The City of Los Angeles is amended to read:

"Military leave"

Sec. 17. Every officer or employee who leaves, or has since January 1, 1940, left, his office or position to serve in the armed forces of the United States shall be entitled to leave of absence, hereinafter designated as "military leave", subject to all of the terms and conditions contained in the general laws of the state applicable to municipal officers or employees serving in such armed forces; provided that if any person on military leave is dishonorably discharged from the armed forces his military leave shall *ipso facto* terminate. Every officer or employee returning from military leave to the service of the city in accordance with the applicable general laws of the state shall be entitled not only to restoration to his office or position but also to any office or position to which he may have been promoted during such military leave or to which he would be or would have been entitled under the provisions of Section 125 of this

charter in the event any change in personnel within the contemplation of said charter section has occurred during the period of his military leave, it being the intent of this provision to provide for the reemployment of persons absent on account of military leave, without prejudice on account of their absence from the city service during the period of such leave; provided that any such person is not, upon such return, either physically or mentally incapacitated from performing the duties of the office or position to which he is entitled to be restored. All military leave herein provided for shall be without pay or compensation except to the extent that such pay or compensation is now or may hereafter be authorized and provided for by state law, this charter, by ordinance, or by resolution of the board of any department having control of its own revenue and funds No vacation rights or credits shall accrue during any period of military leave except to the extent that such rights or credits are now, or may hereafter be, authorized and provided for by state law, by this charter, or by ordinance.

In addition to retirement credit for the period of military leave up to noon of December 31, 1947, under the provisions of this section prior to this amendment, which credit is hereby continued in full force and effect, the period of any such military leave, subsequent to June 25, 1950, and up to but not extending beyond one year from the date upon which either the President or the Congress proclaims the end of the national emergency which the President proclaimed on December 16, 1950, shall be counted as part of the aggregate service required for retirement purposes under the provisions of Article XVII or Article XXXIV of this charter; provided, however, that no period of military leave after June 25, 1955 shall be so counted. In the event the Congress should at any time declare war, the period of military leave commencing on the date of such declaration of war and extending up to but not beyond one year from the date of the cessation of hostilities of any such war, as fixed by Proclamation of the President or Resolution of the Congress, shall likewise be counted as part of the aggregate service required for retirement purposes under the provisions of said Article XVII or Article XXXIV

Any officer or employee who, while on Military leave is or becomes entitled to retire on pension or is or becomes entitled to any benefits under or pursuant to the provisions of Article XVII or Article XXXIV of this charter, may exercise such rights or claim such benefits while on military leave.

The provisions of Sec 189 and of subdivision (d) of Sec. 513 of this charter are hereby repealed; provided, however, that any officer or employee who, prior to the effective date of this amendment, was entitled to credit for retirement purposes under the provisions of either of said sections, shall continue to be entitled to such credit.

CHARTER AMENDMENT No. 14

A new section, numbered Sec. 434, is added to the Charter of The City of Los Angeles, to read:

Microfilm records

Sec. 434. Wherever this Charter requires any record to be made or maintained by any officer or body, it shall be sufficient if a duly authenticated microfilm copy be made; and, when so made, it shall be the official record, and the documents photographed may be destroyed or stored, unless such document is a record affecting the title to real property, or affects pension rights, or is a record of any court, or is an order, ordinance or resolution of the City Council, or of any board or commission of this City. However, the destruction of any record so microfilmed shall first be authorized by resolution of the Council.

Records of historical, geographical or technical interest, which have served their purpose and are no longer required for the conduct of city business, may be delivered to and maintained by such officer, board or department designated by the City Council by ordinance.

CHARTER AMENDMENT No. 16

Section 170 of the Charter of The City of Los Angeles is amended by adding thereto a new subsection (c) to read:

Control of municipal recreation facilities

(c) The Department of Recreation and Parks shall operate, manage, and control any municipal auditorium, arena, or sports center, and the facilities in connection therewith, now or hereafter owned or controlled by the City; and shall have power to design and construct the same and, in the name of The City of Los Angeles, to acquire and take by purchase, lease, condemnation, gift, in trust or otherwise, any and all property necessary or convenient for such purposes.

The Board of Recreation and Park Commissioners shall lease, in the manner set forth herein, any such municipal auditorium, arena, or sports center, or the facilities in connection therewith, which have been acquired, constructed or completed with funds received from the sale of bonds or other evidences of indebtedness authorized and issued subsequent to January 1, 1951, for the acquisition, construction or completion of such municipal auditorium, arena, or sports center, and the facilities in connection therewith, for terms not exceeding thirty-five years. Provided, however:

1. Leases in excess of five years shall be approved by the Council by ordinance;

2. Any lease entered into shall provide that the lessee must operate the property leased so as to furnish the public with the use for which it was acquired, constructed or completed, and, further, that the public must be entitled as of right to use and enjoy the property so leased for the purposes for which it was acquired, constructed or completed;

3. The Board of Recreation and Park Commissioners is not required to lease, but may, through the Department of Recreation and Parks, operate such municipal auditorium, arena, sports center, or the facilities in connection therewith, if it is unable to obtain a lessee who is organized as a non-profit corporation under the laws of the State of California, who has a tangible net worth at the time of execution of the lease of at least $1,250,000.00, and who agrees to lease upon such terms as will be sufficient to insure repayment to the City of Los Angeles of that proportional part of the principal and interest charges on the said bonds or other evidences of indebtedness authorized and issued subsequent to January 1, 1951, attributable to the property leased which accrues during the term of the lease. Control of facilities

The Board shall prescribe such other terms and conditions of any such lease as it may deem proper and may enter into the same without inviting bids therefor. All revenues derived from any such municipal auditorium, arena, or sports center, or the facilities in connection therewith, so acquired, constructed or completed, including the proceeds from any lease thereof, shall be paid into the "Auditorium Revenue Fund" of the Department of Recreation and Parks, which fund is hereby established. Moneys in the "Auditorium Revenue Fund" shall be appropriated or used only as follows:

First: For the necessary expenses of operating and maintaining the municipal auditorium, arena, or sports center, or facilities in connection with any such municipal auditorium, arena, or sports center, from which the money is derived, and discharge of liabilities arising therefrom.

Second: For the payment of the principal and interest, or either, due or coming due, during the fiscal year in which the money in said fund is received, or to be received upon outstanding bonds or other evidences of indebtedness issued for the acquisition, construction, or completion of any municipal auditorium, arena, or sports center, or facilities in connection therewith.

Third: To return and pay into the general fund any sums paid by the City from funds raised by taxation for the payment of the principal or interest of bonds, or other evidences of indebtedness issued for the acquisition, construction, or completion of any municipal auditorium, arena, or sports center, or facilities in connection therewith.

Fourth: To transfer to the Recreation and Parks Fund in the same manner as provided in Section 382 of this Charter for the transfer of surplus money to the Reserve Fund; provided, however, that no such transfer shall be made so long as any bonds or other evidences of indebtedness payable out of said revenue fund shall be outstanding and unpaid, or until there shall have been set apart in a reserve fund or special trust account, established for such bonds or other evidences of indebtedness, sums sufficient to pay, when due, the entire principal of such indebtedness remaining unpaid, together with interest accrued and to accrue thereon.

The Board of Recreation and Park Commissioners shall have control of the administration of the said reserve fund or special trust account, and shall keep the moneys therein on deposit in the city treasury or invest it in bonds or other securities authorized by the laws of the State of California as legal investments for savings banks. All interest and earnings from such investments shall accrue and be deposited to the credit of the Auditorium Revenue Fund.

We further certify that we have compared the text of 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, complete and exact copies thereof, and of each of them.

That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 12th day of April, 1951.

HAROLD A. HENRY
(SEAL) President of the City Council of the City of Los Angeles
WALTER C. PETERSON
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed 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 the 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 of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles 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 said City of Los Angeles.

CHAPTER 82

Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1½ of Article XIII thereof, relating to taxation.

[Filed with Secretary of State April 21, 1951.]

Constitution Amendment Sec. 1½ of Art. XIII re taxation of churches

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-

thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1½ of Article XIII thereof, to read:

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, or, in the case of a building in the course of erection, the same is intended to be used solely and exclusively for religious worship, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

CHAPTER 83

Senate Concurrent Resolution No. 51—Approving the charter of the City of Santa Clara, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the second day of April, 1951.

[Filed with Secretary of State April 25, 1951.]

City of Santa Clara Charter

WHEREAS, The City of Santa Clara, in the County of Santa Clara, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Santa Clara for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Santa Clara, all as set forth in the following certificate of the acting mayor and city clerk of said City of Santa Clara, to wit:

CERTIFICATE OF ADOPTION

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.
CITY OF SANTA CLARA }

Certificate

We, the undersigned, Patrick J. Ryan, Acting Mayor of the City of Santa Clara, County of Santa Clara, State of California, and A. J. Cronin, Clerk of said City, do hereby certify and declare as follows:

That said City of Santa Clara, County of Santa Clara, State of California, is now, and at all times herein referred to was, a city containing a population of more than three thousand five hundred (3,500) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California;

Certificate

That said City of Santa Clara is now, and at all times herein mentioned was, duly organized and existing under the laws of the State of California;

That on the 3rd day of April, 1950, at a municipal election duly and regularly held on that day in the said City of Santa Clara under and in accordance with the 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 a board of fifteen (15) freeholders, the members of which were all electors of said City and eligible as candidates under said election, to prepare a Charter for the government of said City;

That the result of said election of freeholders was duly declared by the Legislative body of the City of Santa Clara on the 10th day of April, 1950, and said electors thereafter duly qualified as such freeholders in accordance with law;

That pursuant to the provisions of the Constitution of the State of California and within due and legal time pursuant to Section 8, Article XI of the Constitution of the State of California, the said Board of Freeholders did prepare and propose a Charter for the government of said City of Santa Clara, which said Charter was signed by a majority of the said board of Freeholders and was filed in the office of the City Clerk of said City of Santa Clara on the 8th day of January, 1951;

That said Board of Freeholders did, before said filing, fix and designate on such proposed Charter the 2nd day of April, 1951, as the date upon which said Charter should be submitted to the electors of said City of Santa Clara for ratification by them;

That thereupon the said Board of Trustees of said City of Santa Clara, by resolution, duly called and ordered the holding of a special municipal election to be held in said City of Santa Clara on the 2nd day of April, 1951, and gave notice of the holding of such election as required by law; that at said election there was submitted to the qualified electors of the City of Santa Clara the question whether said proposed Charter prepared and filed by said Board of Freeholders should be ratified and adopted as the Charter for the government of said City of Santa Clara;

That within fifteen (15) days after the filing of said Charter, to wit: on the 18th day of January, 1951, in the Santa Clara Journal, a newspaper of general circulation, printed, published and circulated within said City; that the City of Santa Clara has no official newspaper.

That said election was duly and regularly held on the 2nd day of April, 1951, and that at said election the majority of the qualified electors voting thereon, voted in favor of said proposed Charter, and for the ratification and adoption thereof;

That the Board of Trustees of the said City of Santa Clara at an adjourned regular meeting held in the time, form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said

election, and duly found, determined and declared that the majority of said electors voting thereon had voted in favor of said proposed Charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than a majority of the qualified voters of the City of Santa Clara voting thereon; that said Charter, so prepared, proposed, filed, and ratified, as herein set forth, together with the certificate and signatures of the members of the Board of Freeholders attached thereto is in words and figures as follows, to wit:

CHARTER OF THE CITY OF SANTA CLARA

ARTICLE I
Name of City

Section 100. Name. The municipal corporation now existing and known as the "City of Santa Clara" shall remain and continue to be a municipal body politic and corporate, as at present, in name in fact, and in law. Name

ARTICLE II
Boundaries

Section 200. Boundaries. The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law. Boundaries

ARTICLE III
Succession

Section 300. Rights and Liabilities. The City of Santa Clara shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, liabilities, debts and duties that now exist against this municipality. Rights and Liabilities

Section 301. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority. Ordinances

Section 302. Continuance of Present Officers and Employees. The present officers, boards, commissions, and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by ordinances, resolutions, rules, or laws, until the appointment and qualification of their successors under this Charter and subject to such removal and control as is herein provided. Incumbents

Contracts and public improvements

Section 303. Continuance of Contracts and Public Improvements. 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. Public improvements for which proceedings have been instituted under laws or charter provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions or may be continued or perfected hereunder.

Pending actions proceedings

Section 304. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

ARTICLE IV
Powers

Powers

Section 400. The City of Santa Clara, by and through its council and other officials, shall have and may exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution of the State of California or by this Charter, and which it would be competent for this Charter to set forth specifically, and the specification herein of any particular powers shall not be held to be exclusive of, or any limitation upon the general grant of powers heretofore or hereafter granted to municipal corporations by the constitution or general laws.

Section 401. Disposal of Public Utility. No public utility owned by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question of such disposal is submitted to the electors.

ARTICLE V
Form of Government

"Council Manager"

Section 500. Form of Government. The municipal government provided by this Charter shall be known as the "Council Manager" form of government.

ARTICLE VI
The Elective Officers

Number

Section 600. Enumeration. The elective officers of the City shall consist of a City Council composed of seven members.

ARTICLE VII
The Council

Term elections

Section 700. Term.—Method of holding Elections. The members of the City Council shall be elected from the city at large, at the times and in the manner in this Charter provided, and shall serve for a term of four years.

There shall be a general election held on the first Tuesday in April, 1952, at which election the four candidates receiving the highest number of votes shall serve until the first Monday in May, 1955, the three (3) candidates receiving the next highest number of votes shall serve until the first Monday in May, 1953. The term of all members shall commence on the first Monday in May following such elections and each member shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots. Thereafter a regular election shall be held in the City of Santa Clara on the first Tuesday in April of each odd numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections. Any special election may be consolidated with a general municipal election or with any State or County election held in the city, in which case only one ballot need be printed for such consolidated election.

Notice of the holding of any election may be given by the City Council either by ordinance or notice published in an official newspaper at least twenty days before the date of such election, and one publication of said ordinance or notice shall be sufficient. In case there be no newspaper designated as an official newspaper in said City, then such notice may be given by posting a copy of said ordinance or notice in a conspicuous place in the office of the City Clerk of said City at least twenty days before such election. No error, omission or defect in said notice shall be cause to invalidate any election held under the provisions of this Charter.

The mode of nomination of officers to be voted for at any municipal election held hereunder shall be as follows:

Not earlier than the sixtieth day nor later than five o'clock P M. of the thirtieth day before such election, electors of the City may by written nomination papers present names of candidates for election. Each candidate shall be proposed by not less than twenty nor more than thirty qualified electors, but only one candidate shall be named in any one nomination paper. No elector shall sign more than one nomination paper for the same office, but each seat on the City Council shall be deemed to be a separate office Any person or persons may circulate a nomination paper.

The signatures to each nomination paper shall all be appended on the same sheet of paper and each signer shall add thereto his place of residence and the date of signing. All such nomination papers shall be filed with the City Clerk not later than five o'clock P.M. of the thirtieth day before such election, and shall have annexed thereto an affidavit of the person who

circulated the same to the effect that he saw all the signatures written thereto and knows that they are the bona fide signatures of the persons whose names they purport to be. Each nomination paper shall be accompanied by a verified statement of the candidate that he will accept the office in the event of his election.

Upon the filing of such nomination papers, the City Clerk shall immediately cause the Great Register to be examined and shall ascertain therefrom whether such paper is signed by the requisite number of qualified electors, and shall within five days of said filing attach his certificate thereto showing the result of such examination or nomination.

The returns of each election precinct shall be filed with the City Clerk and no person shall be permitted access to them until canvassed by the City Council. Not later than the seventh day after any election, and at the usual hour and place of meeting, the City Council shall meet and canvass the returns and declare the result. Any such canvass may be held earlier than seven days after such election provided that all absentee ballots furnished for such election have been returned to the Clerk. The City Council may adjourn from day to day for the purpose of completing any such canvass.

After having been canvassed, the returns shall be sealed up by the Clerk for six months and no person shall have access to them except upon order of a Court of competent jurisdiction.

After the result of an election is declared the Clerk, under his hand and the official seal of said City, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

Notwithstanding any provision contained in this Charter, the City Council may, by ordinance, provide that all municipal elections shall be held in accordance with the provisions of any state or general law as the same now exists or may hereafter be enacted or amended relative to the conduct, manner and holding of any municipal election.

No primary election shall be held for municipal officers.

The persons having the plurality of all votes cast for each of the respective officers voted for shall be declared duly elected.

In any election held in said City, the City Council shall have the power to provide for the number, naming and compensation of election officers, the number of voting precincts, and the consolidation of the election precincts and the hours between which the polls will be open.

Qualifications Section 701. Qualifications. No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector, and shall have been a resident of the City for at least three (3) years next preceding the date of his election or appointment.

A member of the council shall not serve more than two consecutive elective terms and shall be ineligible for re-election or appointment to fill a vacancy in the council until two years after such service.

Compensation

Section 702. Compensation. Each councilman shall receive the sum of five dollars ($5.00) for each council meeting attended, provided that the total compensation of each councilman shall not exceed twenty-five dollars ($25.00) in any one month. Absence from five (5) consecutive regular meetings unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

The mayor shall receive an additional Twenty-five Dollars ($25.00) per month, which amount shall be deemed to be reimbursement for out of pocket expenditures and costs imposed upon him in serving as the official head of the City.

Vacancies

Section 703. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council and the person appointed shall hold office for the unexpired term of the former incumbent.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Presiding officer

Section 704. Presiding Officer. Mayor. At the first regular meeting in May following any municipal election at which councilmen are elected, the council shall elect one of its members as presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his office. The Mayor shall serve in such capacity at the pleasure of the City Council.

Mayor Pro Tempore

Section 705. Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers

Section 706. Powers. All powers of the City shall be vested in the City Council, subject to the provisions of the Charter and to the Constitution of the State of California.

Regular meetings

Section 707. Regular Meetings. The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Special meetings

Section 708. Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the City Council, by notice given to each member at least 3 hours before the time specified for the proposed meeting. A special meeting shall also be validly called, without the giving of such notice, if all members shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the hold-

ing of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such notice or consent unless all members of said Council are present.

The aforesaid notice of a special meeting may be given by the City Clerk or other authorized officer or employee of said City to a member of the City Council by either:

1. Delivering a written notice thereof to such member personally, or

2. By telephonic or other oral communication had with such member, personally informing him of the time and purpose of said meeting, or

3 If he be absent from his place of residence and from his usual place of business in the City of Santa Clara (if he has such a place of business in said City) by leaving a copy of such written notice with some person of suitable age and discretion, at either place, or

4. If such a person of suitable age or discretion cannot be found at either place, then by affixing a copy of said written notice in a conspicuous place at the place of the residence of such member.

Place of meeting

Section 709. Place of Meeting. All meetings shall be convened in the Council Chambers of the City Hall but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or if he should fail to act, by four members of the City Council.

Quorum

Section 710. Quorum. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

Qualifications

Section 711. Election and qualification of Council Members. The City Council shall judge the qualifications of its members as required by the Charter and shall judge all election returns.

Proceedings

Section 712. Proceedings. The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the

roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting.

Action

Section 713. The City Council is hereby empowered to act by Ordinance or Resolution. An oral motion or order duly passed by the City Council and entered in the minutes of the Council shall have the same force and effect as a written Resolution duly introduced and passed by said City Council and shall be deemed to be a Resolution for all purposes.

Power re city property

Section 714. The City Council shall have power to lease, sell, convey and dispose of any and all property of the City, subject to the provisions of Section 401 of this Charter, and provided further that no property exceeding $500.00 in value shall be sold without first publishing notice of intention to sell in an official newspaper once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price theretofore offered for said property and the time and place when and where the sale will be consummated.

At the time fixed for said consummation of sale, the City Council shall call for further bids for said property and if any increased bid is received from a responsible bidder in at least 5 per cent in excess of the original price offered for the same, then the City Council may accept the highest bid for said property or may order a new sale or may withdraw the property from sale.

Taxes, fees

Section 715. The City shall have power to levy and collect taxes, and to collect license taxes for both regulation and revenue.

ARTICLE VIII
City Manager, Ordinances, Meetings

Appointment

Section 800. Appointment. A City Manager shall be chosen by the City Council on the basis of his executive and administrative qualifications, but need not be a resident of the City or State at the time of his appointment but he shall reside within the City during his tenure of office, provided suitable quarters therein can be obtained. No City Councilman shall receive such an appointment during the term for which he shall have been elected, nor within two years thereafter.

Compensation

Section 801. Compensation. The City Manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

Powers and duties

Section 802. Powers and Duties. The City Manager shall be chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(1) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he

may authorize the head of a department or office to appoint and remove subordinates in such department or office. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City.

(2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

(3) Manage the City-owned water and power departments in a business-like manner, charging equitable rates for the services furnished and building up the properties so as to conserve their value and increase their capacity as needed by the City.

(4) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(5) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

(6) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation to the city.

(7) Submit to the City Council at each meeting for its approval, the list of all claims and bills approved for payment by him.

(8) Perform such other duties as may be prescribed by this Charter or required by him by the City Council, not inconsistent with this Charter.

Rules and regulations

Section 803. 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 offices and departments of the City under his jurisdiction.

Manager Pro Tempore

Section 804. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

Participation in council

Section 805. Participation in Council Action. The City Manager and such other officers of the City as may be designated by the City Council, shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote.

Removal

Section 806. Removal of the City Manager. The City Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of the entire council. At least thirty days before such removal shall become effective, the City Council shall by a majority vote of the entire council adopt a preliminary resolution stating the reasons for his removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than fifteen days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council by majority vote of the entire council may adopt a final resolution of removal. By the preliminary resolutions, the City Council may suspend the City Manager from duty but shall in any case cause to be paid him forth-

with any unpaid balance of his salary and his salary for the next calendar month following adoption of the preliminary resolution.

Councilmanic interference

Section 807. Prohibition against Councilmanic Interference. Neither the City Council nor any of its members shall order or request the appointment of any person to an office or employment or his removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member shall give orders to any subordinates of the City Manager, either publicly or privately.

Any City Councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this Section shall be guilty of a misdemeanor and, upon conviction, shall cease to be a councilman.

Ordinances Enacting clause

Section 808. Ordinances. The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Clara as follows": No ordinance shall be finally adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting, nor until its publication at least once in an official newspaper of the City at least three days before its adoption, provided, however, that ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case an ordinance is amended before its final adoption and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; provided, however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be given a first reading or a republication as corrected.

Repeal, amendment

Section 809. Repeal or Amendment of Ordinances. No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this article for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

Effective date

Section 810. Effective Date of Ordinances. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption: (a) An ordinance calling or otherwise relating to an election; (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance; (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or (d) An emergency ordinance adopted in the manner herein provided.

Emergency

Section 811. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency and adopted by a five-sevenths vote of the whole Council may go into effect at the will of the Council.

Publication

Section 812. Publication of Ordinances. The City Clerk shall cause each ordinance to be published at least once, in an official newspaper at least three days before its adoption.

Codification

Section 813. Codification of Ordinances. Any or all properly enacted and unrepealed ordinances of the City may be compiled, consolidated, revised and indexed, including such restatements and substantive changes as are necessary for clarity in a comprehensive ordinance code.

An ordinance code may be adopted by reference by passage of an ordinance in the same manner as other ordinances of the city. The ordinance code itself need not be published in the manner required for other ordinances. Prior to its adoption, not less than three copies of the code shall be filed in the City Clerk's Office, for examination by the public. After the code has been adopted, ordinances may be amendatory or revisory of the code. Sections of the code shall not be revised or amended by reference but readopted and published at length as revised or amended.

Adoption by reference

Section 814. Adoption of Printed Building Codes, etc. Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other similar work, where such rules and regulations have been printed as a code in book form, may be adopted by reference by the passage of an ordinance in the same manner as other ordinances of the City. The code so adopted need not be published at length, provided, however, that not less than 3 copies of such code shall have been filed, for use and examination by the public, in the office of the City Clerk prior to the adoption thereof.

Publication of notices

Section 815. Publishing of Legal Notices. The City Council shall by resolution designate one or more newspapers of general circulation in the City of Santa Clara as official newspaper for the publication of any legal notice or other matter required to be published in a newspaper of general circulation in said City. If it appears to the City Council that the rates offered are unfair, it need not designate an official newspaper. Upon making a finding to such effect, or if publication of newspapers which have been so designated are suspended, then legal notices, ordinances or other matter required to be published in an official newspaper may be published by posting copies thereof in at least three public places in the City. The places for posting of legal notices shall be fixed by ordinance of the City Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter, or law, or ordinance.

ARTICLE IX
Officers and Employees

Section 900. Officers to be appointed by the City Council. In addition to the City Manager, the City Council shall appoint and affix the compensation for the City Clerk, City Attorney, City Auditor, and Police Judge who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes. Appointment compensation etc

All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager at compensation fixed by the City Council.

Section 901. Other Appointive Officers. The City Council may provide by ordinance for the creation, consolidation or abolishment of the City departments or offices, not specifically enumerated in this Charter. Each department so created shall be headed by an officer as department head who shall be appointed by the City Manager. Other officers

Section 902. Appointive Officers Duties. Each appointive officer shall perform the duties imposed upon him by this Charter, by ordinance, or resolution and, if under jurisdiction of the City Manager, shall perform such other duties relating to his office as may be required of him by the City Manager. Duties

Section 903. City Clerk. Powers and Duties. The City Clerk shall have the power and be required to: City clerk

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purposes;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds;

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use;

(e) Be the custodian of the seal of the City;

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records; and

(g) Have charge of all City Elections.

The City Council may, in its discretion, appoint any other officer or employee of the City as City Clerk and grant such person additional compensation for the performance of such duties.

Section 904. Director of Finance. There shall be a Department of Finance; the head of which shall be the Director of Finance, who as determined by the City Council, shall be, or be appointed by, the City Manager. The Director of Finance under Director of finance

the supervision of the City Manager shall have charge of the administration of the financial affairs of the City, including the financial affairs of the City-owned public utilities, and he shall have power and be required to:

(a) Compile the budget expense and capital estimates for the City Manager;

(b) Supervise and be responsible for the disbursement of all monies and have control over all expenditures which have been budgeted;

(c) Maintain a general accounting system for the City government and of its offices, departments and agencies; keep books for, prescribe the financial forms to be used by and exercise financial budgetary control over each office, department or agency;

(d) Submit to the City Council, through the City Manager, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

(e) Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;

(f) Collect all taxes, special assessments, utility charges, license fees and other revenues of the City for whose collection the City is responsible except City taxes collected by the County and as provided in Section 1306, and receive all money receivable by the City from the State or Federal Government, or from any court, or from any office, department or agency of the City;

(g) Receive and have custody of all monies receivable by the City from any source;

(h) Deposit all monies received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds; and

(i) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safe-keeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

City engineer

Section 905. City Engineer. There shall be a Department of Public Works and Utilities, the head of which shall be the City Engineer, who shall have charge of the administration of all technical matters pertaining to the public works and utilities of the City and who shall have power and be required to:

(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys, and designs, and the construction of all public works and utilities;

(b) Supervise and be responsible for the general care, maintenance, inspection and repair of streets, sidewalks, sewers and storm drains, and related activities;

(c) Supervise and be responsible for the inspection and regulation of building construction and alteration, and plumb-

ing and electrical installations, and enforce all ordinances and laws pertaining thereto;

(d) Supervise and be responsible for the physical maintenance and operation of all public utilities owned and operated by the City, including but not limited to the municipal water system and the municipal electric power system; and

(e) Cooperate with and advise the Recreation Commission in the care, improvement, maintenance and Construction of parks, playgrounds, and other recreational grounds or facilities, including all properties now or hereafter acquired or set apart for recreational purposes by the City;

(f) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof.

To be eligible for appointment as City Engineer, the appointee shall be a Registered Professional Engineer in the State of California.

Police chief

Section 906. Chief of the Police Department. The Chief of Police shall have power and be required to:

(a) Preserve the public peace;

(b) Execute and return all process issued to him by legal authority; and

(c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other police officers by the laws of the State.

Fire chief

Section 907. Chief of the Fire Department. The Chief of the Fire Department shall have power and be required to:

(a) Supervise all matters relating to the prevention and extinguishing of fires and the protection of all property impaired thereby; and

(b) Make frequent inspection of all property within the City to enforce fire prevention regulations.

City attorney

Section 908. City Attorney. There shall be a City Attorney who shall have power and be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances; and

(g) On vacating the office, surrender to his successor, all books, papers, files, and documents pertaining to the City's affairs.

To be eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the active practice of law for at least four years immediately prior to his appointment.

City auditor

Section 909. City Auditor. The City Auditor shall audit and approve all bills, invoices, payrolls, demands or charges against the City government before payment and, with the advice of the City Attorney, advise the City Council as to the regularity, legality and correctness of such claims, demands or charges.

The City Council may, in its discretion, appoint any other officer or employee of the City as City Auditor and grant such person additional compensation for the performance of such duties.

Administrative code

Section 910. Administrative Code. Within six months after the adoption of this Charter, the council shall adopt by ordinance an administrative code providing for a plan of administrative organization of the City government, which will cover all matters concerning the powers, duties, term of office, procedure of all the officers, boards and commissions, and employees of the City; provided however, that the provisions of said code shall not be in conflict with any of the provisions of this Charter. This administrative code will cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government.

Bonds

Section 911. Official Bonds. The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk, except the City Clerk's bond which shall be filed with the City Manager. Premiums on official bonds shall be paid by the City.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or right to recover against, his superior officer, or the bond of the latter, for any wrongful act or omission of the former, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Oath

Section 912. Oath of Office. Each member of the City Council, of every board and commission and each officer and department head, before entering upon the discharge of the

duties of his office shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability." And such other oath as may be required by law or ordinance.

ARTICLE X
Appointive Boards and Commissions

General provisions

Section 1000. In General. There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such other powers and duties as may be conferred by the City Council which are not inconsistent herewith. In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 1001. Appropriations. The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

Appointments terms

Section 1002. Appointments. Terms. Except as otherwise provided in this article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes. Except as otherwise provided in this Article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified; provided, however, the members first appointed to those boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of at least one of their number shall expire.

Meetings, organization

Section 1003. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as it may require. All proceedings shall be open to the public unless the nature of any proceeding is such that in the opinion of such board or commission the public interest would be best served by closing a particular proceeding to the public, and the reasons therefore are declared in any action closing such proceeding. Upon conclusion of any such proceeding any final action which is to be taken by such board or commission, with respect to such proceedings, shall be taken in open meeting.

The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for

it to take action. Each Board or Commission shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. It shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Compensation, vacancies

Section 1004. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission, absents himself from three regular meetings of such board or commission, consecutively, unless with permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Oaths

Section 1005. Oaths. Affirmations. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Planning Commission

Section 1006. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors, of the City, none of whom shall hold any paid office or employment in the City government except that the City Manager and the City Engineer, or their designated representatives, shall serve as ex-officio members of the commission.

Same Powers and duties

Section 1007. Planning Commission. Powers and Duties. The Planning Commission shall have power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment, or repeal of the Master Plan or any part thereof for the physical development of the City;

(b) Exercise such functions with respect to land subdivisions, planning, and zoning as may be prescribed by ordinance; and

(c) Exercise such other functions as now or may be hereafter authorized by the provisions of the Conservation and Planning Act of the State of California insofar as they do not conflict with the provisions of this Charter.

Parks and Recreation Commission

Section 1008. Parks and Recreation Commission. There shall be a City Parks and Recreation Commission consisting of

seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Same Powers and duties

Section 1009. Parks and Recreation Commission. Powers and Duties. The Parks and Recreation Commission shall have power and be required to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, playgrounds and entertainment;

(b) Consider the annual budget of the Parks and Recreation Department during the process of its preparation and make recommendations with respect thereto to the City Manager and the City Council; and

(c) Assist in the planning and supervision of a recreation program for the inhabitants of the City, promote and stimulate public interest therein, and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

Civil Service Commission

Section 1010. Civil Service Commission. There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City Government.

Same Powers and duties

Section 1011. Civil Service Commission. Powers and Duties.

(a) 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.

(b) Act as a Board of Review to hear petitions by Civil Service employes, and applicants for Civil Service positions, and to grant or deny such petitions.

(c) Perform such other duties as may be required by the Civil Service Rules and Regulations

Board of Library Trustees

Section 1012. Board of Library Trustees There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council from the qualified electors of the City and no member of said Board shall hold any paid office or employment in the City Government

Same Powers and duties

Section 1013. Board of Library Trustees. Powers and Duties. The Board of Library Trustees shall have charge of the administration of the Santa Clara Free Public Library and shall have power and be required to:

(a) Make and enforce such by-laws, rules and regulations as it may deem necessary for the administration and protection of the City Library;

(b) Approve or disapprove the appointment of a Librarian who shall be the department head;

(c) Accept into the Library fund and administer money, personal property or real estate donated to the City or other-

wise acquired for library purposes subject to the approval of the City Council;

(d) Contract with school, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

ARTICLE XI
Civil Service

Merit principle

Section 1100. Civil Service. Merit Principle. Appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

Classified and unclassified services

Section 1101. Classified Service. The Civil Service of the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. All elective officers
2. City Manager
3. Police Judge
4. City Attorney
5. City Clerk
6. City Auditor
7. The head of each department, including, but not limited to:
   (a) Director of Finance
   (b) City Engineer
   (c) Chief of the Police Department; and
   (d) Chief of the Fire Department
8. All members of Boards and Commissions
9. Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service
10. Persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional character; and
11. Volunteer members of the Fire Department.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service, and except positions under the board of education.

Reversion to classified service

Section 1102. Appointments from Classified to the Unclassified Service. In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should subsequently be removed therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously. Should such person be eligible for retirement under the retirement system at the time of such

subsequent removal, upon recommendation of the City Manager, he shall be retired in lieu of being restored to his former position.

Classification

Section 1103. Classification. The City Manager shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

Pay plan

Section 1104. Pay Plan. The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the Classified Service. Such pay plan when adopted by the City Council shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

Rules and regulations

Section 1105. Civil Service Rules and Regulations. The City Council shall adopt Civil Service rules and regulations governing the administration of the City Civil Service system to implement the provisions of this Article.

Political activities

Section 1106. Political Activities Prohibited. No person holding a position in the Classified Service or on an eligible list shall seek or accept election, nomination or appointment as an officer of a political club or organization nor shall such person take any active part in any municipal political campaign or contribute thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any such persons from being or becoming a member of a political club or organization, or from attending political meetings, or from enjoying entire freedom from all interferences in casting his vote, or from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

Prohibitions

Section 1107. Prohibitions. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself or with others wilfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than One Thousand ($1000.00) Dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted

hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he is an officer or employee of the City, immediately forfeit his office or position.

Contract for administrative services

Section 1108. Contract for Administrative Services. The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city, or county within this state, or with any state department, or with any private or governmental agency for the furnishing of administrative, fiscal, or personnel services.

ARTICLE XII
Retirement

Adoption of state system

Section 1200. State System. The "State Employees' Retirement Act", as it now exists or may hereafter be amended, is hereby adopted for the City of Santa Clara, and plenary authority and power are hereby vested in said City, its City Council and its several officers, agents and employees at their discretion to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Act, to enable said City to become or continue as a contracting City participating in the State Employees' Retirement System; provided, however, that the City Council may terminate any contract entered into with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinances adopted by a majority vote of the electors of the City of Santa Clara, voting on such proposition at an election at which such proposal is presented.

ARTICLE XIII
Fiscal Administration

Fiscal year

Section 1300. Fiscal Year. The fiscal year of the City government shall begin on the first day of May of each year and end on the 30th day of April of the following year.

Budget Preparation

Section 1301. Annual Budget. Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditure for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he may deem advisable.

Submission to council

Section 1302. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less

than ten days prior to said hearing, by at least one insertion in an official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Public hearing

Section 1303. Budget. Public Hearing. At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons shall be given an opportunity to be heard.

Further consideration and adoption

Section 1304. Budget. Further Consideration and Adoption. After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before April 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager and a further copy shall be placed and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Appropriations

Section 1305. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expanded or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

Taxes

Section 1306. Tax System and Collection of Taxes. The City Council shall have power to avail itself of any law of the State of California now or hereafter in force, insofar as such provisions are not in conflict with this charter, whereby the assessment of property and the collection of taxes may be made by the officers of the County in which the City of Santa Clara is located. The Council may, by an ordinance, provide for the assessment of property and the collection of taxes by officers of the City. Such an ordinance may create the offices of assessor and tax collector and provide for their consolidation with any other offices of the City now or hereafter existing, and give to such officers any or all of the powers authorized by general law.

If the City Council fails to fix the rate and levy taxes on or before June 30, in any year, 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.

Same Limits

Section 1307. Tax Limits. Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of One ($1.00) Dollar on each One Hundred ($100.00) Dollars of the assessed value of taxable property in the City for municipal purposes, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and

(b) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, exclusive of charges payable under Section 1320 hereof, if any, due and unpaid or to become due during the ensuing fiscal year.

Special levies, in addition to the above, not to exceed the aggregate amount of Thirty-five cents ($.35) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City may be made annually, based on approved budget requirements, for the following specific purposes: Parks, recreation, city planning, libraries, advertising, and emergency funds for disaster relief. The proceeds of any such special levy shall be used for no other purpose than that specified.

Tax liens

Section 1308. Tax Liens. All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected at public auction or in case any of said lands may be necessary for school purposes then at private sale to a school district, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon, the same may be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Bonded debt limit

Section 1309. Bonded Debt Limit. The bonded indebtedness of the City may not in the aggregate exceed the sum of

fifteen (15%) per cent of the total assessed valuation of property within the City, exclusive of revenue bonds or any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter.

Contracts on public works

Section 1310. Contracts on Public Works. Every contract involving an expenditure of more than One Thousand ($1,000.00) Dollars for the construction or improvement, (excluding maintenance and repair), of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in an official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

"Cash Basis Fund"

Section 1311. Cash Basis Fund. The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund" for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds, of such sum or sums as may be required for the purpose of placing such fund, as nearly as possible, on a cash basis.

"Capital Outlays Funds"

Section 1312. Capital Outlays Funds. A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlays Fund." The City Council may at any time create by ordinance a special outlay fund or funds for special capital outlay purposes. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy for such purposes in which event it must apportion and appropriate to any such capital outlay fund or funds the moneys derived from such levy. It may not, in making such levy, exceed

the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors, voting on the proposition in any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays, generally, established by this Charter. The provisions of this section shall not apply to the Utilities Fund established by Section 1320 hereof.

"Department Trust Fund"

Section 1313. Department Trust Fund. The City Council shall prescribe by ordinance for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited through the Director of Finance. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department or division head and for the following purposes:

(a) The making of refund of bail which has been exonerated or of other refundable deposits;

(b) The making of transfers to various City Funds at the end of each calendar month of monies accumulated during the month for such funds.

Petty cash funds

Section 1314. Petty Cash Funds. The City Council may provide for revolving petty cash funds, to be paid to the City Manager or department heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise. The City Manager, and such department heads, shall account to the City Council for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the Council may require and the amounts shall thereupon be charged against the proper appropriations.

Demands

Section 1315. Presentation of Demands. Each demand against the City shall be presented to the City Manager. If the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and a warrant shall be drawn on the City Treasury therefor, payable out of the proper fund. Objections of the City Manager may be overruled by the City Council and the warrant ordered drawn.

Warrants

Section 1316. Registering Warrants. Warrants on the City Treasury which are not paid for lack of funds shall be

registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

Actions against city

Section 1317. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any department, officer, or agency thereof 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 time is otherwise provided by law, all claims for damages against the City must be presented to the City Manager within ninety days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last time of the account or claim occurred.

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 days from the day the same is filed with the City Manager shall be deemed a rejection thereof.

Centralized purchasing

Section 1318. Centralized Purchasing. A centralized purchasing system shall be established for all City Departments, offices, and agencies The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any department, office or agency of the City government.

Independent audit

Section 1319. Independent Audit. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who, at least semi-annually, shall examine the customers accounts, and all the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments or agencies as the City Council may direct. At the end of the year, a final and complete audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, and one to the City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they may be available for inspection by the general public.

Utilities fund

Section 1320 Utilities Fund Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate Utilities Fund for such utilities. Expenditures from such fund shall be made for the following purposes only for such utilities in the order named, viz: (a) for the payment of operating expenses, pension charges, and

proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish; (b) for repairs and maintenance; (c) for the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions; (d) for the payment of 4½% of the gross receipts from such utilities to the General Fund of the City in payment for services rendered; (e) for establishment of depreciation funds for utilities property; (f) for extensions and improvements; and (g) for funds which may be transferred to the General Fund of the City, provided, that no such transfer shall be made if the effect of such transfer would be to reduce the aforementioned utilities fund to a value of less than $300,000.00.

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may however order expenditures from the utilities fund for any utility even though that utility has no credit in the Utilities Fund, provided only that the balance in the Utilities Fund is greater than the proposed expenditure.

Revenue bonds

Section 1321. Revenue Bonds.

(a) The City Council, when authorized at an election as hereinafter provided, shall have power to issue revenue bonds for the purposes authorized by the general laws of the State of California including the issuance of refunding revenue bonds and also shall have power to borrow money and incur indebtedness for any and all revenue producing works, undertakings, enterprises and utilities (hereinafter in this section referred to as "works") to the end that, as far as practicable, all such works shall be self sustaining and shall be paid for directly out of the revenues therefrom. Such works may be financed through the issuance of revenue bonds.

(b) Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such revenue bonds, and the interest accruing thereon, shall be a charge solely upon such of the revenues of the works on account of which they are issued as by the terms of their issuance are so charged therewith, but shall not be a charge, lien or encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any income, receipts, revenues, funds, or property of the City, other than such charge upon such revenues of the work on account of which they are issued, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of such taxing power.

(c) The City Council may avail itself of any of the procedures now or hereafter authorized by the general laws of the State of California for the issuance of revenue bonds or the City Council may, by ordinance or resolution effective upon adoption set up and establish a procedure for the issuance of

such revenue bonds, the calling and holding of elections therefore, and all matters pertaining to the issuance and sale of such bonds; provided, however, that the issuance of said revenue bonds shall be submitted to the electors at an election and the votes of a majority of all those voting on the proposition shall be required to authorize the issuance of the bonds.

(d) Nothing in this Section, or elsewhere in this Charter, shall preclude the issuance, when authorized by two-thirds vote of the duly qualified electors of the City voting upon the proposition, of bonds of the City, for the purposes of any such works, pursuant to proceedings therefor taken in accordance with the Constitution and general laws of the State. It is nevertheless the intention of this Charter that all principal and interest accruing on such bonds of the City, if any, shall be provided currently out of the revenue fund pertaining to the works on account of which such bonds of the City shall have been issued, so far as it is practicable to make such provision after the payment of all costs of operation and maintenance of said works and of all principal and interest on revenue bonds of the City issued on account of said works, and that so far as such current provision is not practicable, the general funds of the City shall be reimbursed out of said revenue fund, as soon as practicable, for all moneys paid from such general funds on account of such bonds of the City.

ARTICLE XIV
Franchises

Procedure, terms

Section 1400. Franchises, Procedure-Terms. The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to the procedure provided by the 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 be prescribed by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. Such franchises may be granted either for a fixed or an indeterminate period.

ARTICLE XV
Police Court

Establishment of court qualifications of judge

Section 1500. There is hereby created, in and for the City of Santa Clara, a police court consisting of such departments and such number of police judges as shall be determined by the City Council. A police judge shall be a qualified elector of the City and shall have been a practicing attorney for at least three years prior to his appointment. He shall further possess all the qualifications and be subject to all the restrictions imposed by the general laws upon justices of the peace in the State of California.

Jurisdiction

Section 1501. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' courts in all matter and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power, and jurisdiction as the justices of said justices' courts. Said court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinances of the City; and of all prosecutions for any violation of any ordinance.

Appeals

Section 1502. Appeals may be taken to the superior court of the State of California, in and for the County of Santa Clara, from the judgments and orders of said police court, in like manner and with like effect as in cases of appeals from township justices' courts.

Bias

Section 1503. In all cases in which the police judge is a party or in which he is interested or related to either party by consanguinity or affinity within the third degree, and in case of sickness, absence or inability to act, any justice of the peace of the county of Santa Clara may, at the request of the City Manager or of said police judge, act in his place and stead.

Disposition of fines, etc

Section 1504. All fees and fines collected from any and all sources shall be paid by said police judge into the City treasury, and he shall file with the City Auditor each month a detailed statement under oath of all money collected by him on behalf of the city.

New court system

Section 1505. In the event that a system of courts inferior to the Superior Court is established by the State of California to supplant City Police Courts, the authority conferred by this article upon the police court shall vest in such court or courts designed to supplant it.

ARTICLE XVI
School Department

Board of Education

Section 1600. The Board of Education:

(a) At the municipal election to be held on the first Tuesday of April, 1952, five school trustees shall be elected, the three (3) candidates receiving the highest number of votes shall hold office for three years and the two (2) candidates receiving the next highest number of votes shall hold office for one year, and until their successors have been elected and qualified. At the municipal election to be held on the first Tuesday of April, 1953, two school trustees shall be elected, and on the first Tuesday of April, 1955, three school trustees shall be elected, who shall hold respective offices for four years, and until their successors are elected and qualified. As each member's term expires his successor shall be elected for a term of four years.

(b) Vacancies on the board shall be filled by appointment by the school board, the appointee to hold office for the remainder of the unexpired term.

(c) The five trustees shall constitute the Board of Education of the City of Santa Clara. The Board of Education created by this Charter, shall enter upon the duties of their office on the first Monday in May after their election, and on said first Monday in May, the term of office of their predecessor shall expire.

(d) The Board of Education thereupon shall meet and organize. A majority of the members shall constitute a quorum to transact business, but a smaller number can adjourn from time to time, and compel the attendance of the absent members.

(e) The Board may determine the rules of its own proceedings; provided, they do not conflict with the provisions of this Charter or of the general law. Its sessions shall be public.

Same
Powers and duties

Section 1601. Powers of the Board of Education:

(a) The Board of Education shall have the power and shall perform duties as specified in the education Code and other school laws of the State of California as now existing, or as they may exist at any future time.

(b) Said board shall have and perform the following powers and duties in addition to those above mentioned, to wit:

(1) To determine annually the amount of taxation not exceeding one cent on each dollar valuation upon the assessment roll, to be raised by tax on the real and personal property within the said City, not exempt from taxation, for the establishment and support of free schools, and for carrying into effect all the provisions of the law relating to public schools. The amount of taxation so determined by said Board of Education shall be reported to the City Council, whose duty it shall be to levy and collect, or cause to be levied and collected at the regular time for levying and collecting City taxes, the amount of taxation so determined and reported, as a school tax upon all taxable property of said City, and said tax shall be in addition to all other amounts levied for state and county and city purposes; provided, that whenever it shall be necessary for the benefit and advancement of the public schools, to purchase any lot or lots, to erect buildings, to purchase any apparatus or appliances, or to make any improvements on school lots, it shall be the duty of the Board of Education and they may cause to be levied the full amount of one cent on each dollar valuation of property of said City, and use the excess not actually necessary for carrying on said schools for making said purchases or improvements.

(2) The Board of Education shall have power to appoint a superintendent of schools; said superintendent's term of office shall not exceed four years; his salary shall be determined and fixed by the Board of Education.

(3) The members of the Board of Education shall be allowed as compensation the sum of five dollars ($5.00) each for attendance at one regular monthly meeting of said board.

ARTICLE XVII
Initiative, Referendum, and Recall

Initiative

Section 1700. Initiative.

(a) Any proposed ordinance may be submitted to the City Council by a petition containing the signatures of not less than ten per cent of the electors; the signatures need not be appended to one paper. Each signer must add his place of residence, occupation and date of signing, giving the street and number, if any.

(b) Each separate paper must have an affidavit attached certifying to the genuineness of the signatures. The proposed ordinance must be set forth in the petition.

(c) Within ten days after filing the petition, the clerk must compare the signatures with the records of registration, and report to the City Council on the sufficiency of the petition. If not sufficient the proponents may file a supplemental petition. If found sufficient finally, the City Council must pass the ordinance without alteration within ten days, or submit it to the electors at the next regular municipal election. If, however, the petition is signed by fifteen per cent of the electors and contains a request that it be submitted forthwith, the City Council must call a special election on the matter at once, or the City Council may pass the ordinance without alteration within ten days.

Referendum

Section 1701. Referendum:

(a) All ordinances are subject to the referendum.

(b) In order to invoke the referendum against an ordinance, a petition, signed by not less than ten per cent of the electors of the City, protesting against the ordinance, must be presented to the City Council, whereupon the ordinance is suspended from operation and the City Council must reconsider it; if the Council does not repeal the ordinance, it must be submitted to the electors at a regular or special election. The Clerk must examine and report on the sufficiency of the petition, as in the case of the initiative.

Recall

Section 1702. Recall:

(a) The holder of any elective office may be recalled providing he has held the office at least six months. A petition demanding the election of a successor to the person sought to be removed shall be filed with the Clerk. It must be signed by fifteen per cent of the voters, and contain a statement of the grounds on which the removal or recall is sought. The requirements as to signing and examination by the Clerk are the same as in the case of an initiative petition, and a similar affidavit must accompany each paper.

(b) If the petition is found sufficient, the City Council must forthwith call a special election to determine the matter; provided that it may be deferred if a general election is to be held within thirty days. One petition is sufficient for the removal of one or more officers. Nominations to fill the office may be made as prescribed by law. Both the petitioner and the officer sought to be recalled may prepare arguments in not more than two

hundred words each, which shall be printed on the sample ballots. The names of the persons nominated to fill the office shall also be printed on the ballot underneath the question, "Shall _____ be recalled from the office of _____" "Yes" and "No." If a majority vote in favor of the recall the officers shall be deemed removed, and the person receiving the highest number of votes for the office is elected to the vacancy.

ARTICLE XVIII
Miscellaneous

Definitions

Section 1800. Definitions—Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Santa Clara and "Department," "Board," "Commission," "Agency," "Officer," or "Employee," is a department, board, commission, agency, officer, or employee as the case may be, of the City of Santa Clara.

(c) The masculine gender includes the feminine and neuter.

Violations

Section 1801. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.

Severability

Section 1802. Validity. If any provisions of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances, shall not be affected thereby.

Effective date

Section 1803. Effective Date. For the purpose of nominating and electing members of the City Council, this charter shall take effect from the time of its approval by the legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of election of the first City Council at 8:00 P.M.

BE IT KNOWN that the City of Santa Clara in the State of California, a city maintaining a population of more than ten thousand inhabitants as ascertained and established by the last preceding census taken under the direction of the Congress of the United States, did at a special election held under and in accordance with the provisions of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said City of Santa Clara, and further be it known that we, the members of said board of fifteen freeholders, in pursuance of said provisions of the constitution and within the period prescribed by law after the result of said election was declared by the City Council of said City of Santa Clara have prepared and proposed, and do hereby prepare and propose the foregoing instrument as and for the Charter of and for said City of Santa Clara.

IN WITNESS WHEREOF, we, the undersigned freeholders, have hereunto set our hands this 8th day of January, 1951.

W. J. NICHOLSON
JOSEPH M. FARFAN
FRANK J. BUCHER
CARL A. BUCHER
AUSTEN WARBURTON
CLARENCE A. CASTRO
A. J. ROLL
FRANK GUERRERA
WILLIAM P. KIELY
WILLIAM A. WILSON
GEORGE L. SULLIVAN
ANNE M. SALBERG
FRANCIS T. SCOTT
ANTHONY R. TOLEDO
WALTER A. WAHL
Board of Freeholders

Execution

The Board of Freeholders of the City of Santa Clara hereby requests the City Council of said City to cause the publication of the foregoing proposed Charter in the manner provided by law, and hereby fixes the 2nd day of April, A.D., 1951, as the date for holding a municipal election in said City at which said Charter will be submitted to the electors of said City for their ratification and adoption.

Dated: January 8, 1951

W. J. NICHOLSON
JOSEPH M. FARFAN
FRANK J. BUCHER
CARL A. BUCHER
AUSTEN WARBURTON
CLARENCE A. CASTRO
A. J. ROLL
WILLIAM P. KIELY
WILLIAM A WILSON
GEORGE L. SULLIVAN
ANNE M. SALBERG
FRANCIS T. SCOTT
ANTHONY R. TOLEDO
WALTER A. WAHL
FRANK GUERRERA
Board of Freeholders

We do hereby further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Santa Clara, and the Board of Trustees of said City in the matter of the election of a Board of Freeholders as contemplated in Section 8 Article XI of the Constitution of the State of California, and in the preparation, proposal, filing, voting upon, and canvassing the returns and

declaring the result of said election in the matter of the proposed Charter for the government of the City of Santa Clara;

That the said Charter as hereinbefore set forth is a full true and correct copy of the Charter as prepared and proposed by the said Board of Freeholders and filed in the office of the City Clerk of said City of Santa Clara, California, on the 8th day of January, 1951, and that the Certificate or proposal of said Board of Freeholders attached thereto is a full, true and correct copy of said Certificate or proposal of the said Board of Freeholders of the said City of Santa Clara.

IN WITNESS WHEREOF, we have hereunto set our hands and hereunto affixed the seal of said City of Santa Clara, this 16th day of April, 1951.

PATRICK J. RYAN
(SEAL) Acting Mayor of the City of Santa Clara
A. J. CRONIN
City Clerk of the City of Santa Clara

and

WHEREAS, Said proposed charter of the City of Santa Clara, 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

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 proposed charter of the City of Santa Clara ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Santa Clara, be and the same is hereby approved as a whole, without amendment or alteration, as the charter of the City of Santa Clara

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CHAPTER 84

Senate Concurrent Resolution No. 41—Relative to urging the Regents of the University of California to appeal the decision relating to the loyalty statement.

[Filed with Secretary of State April 25, 1951]

Determination by Supreme Court re loyalty statement

WHEREAS, The District Court of Appeal of the State of California, in and for the Third Appellate District, on April 6, 1951, ordered the issuance of a writ of mandate to compel the Board of Regents of the University of California to issue to the petitioners, who were members of the faculty of the University of California, letters of appointment to their respective positions with the university; and

WHEREAS, The Regents of the University of California have previously refused to issue such letters of appointment because of the failure of such persons to sign a statement that they were not members of the Communist Party or any other organization which advocates the overthrow of the government by force or violence and that they had no commitments in conflict with their responsibilities with respect to impartial scholarship and free pursuit of truth; and

WHEREAS, The court held that the requirement of such a statement of the petitioners as a condition of appointment was in conflict with Article XX, Section 3, of the Constitution which prohibits the requirement of any oath, other than the constitutional oath of office, of "Members of the Legislature, and all officers, executive and judicial"; and

WHEREAS, The decision of the court was based upon the theory that the framers of the Constitution in using such language intended to make Article XX, Section 3, applicable to persons such as the members of the faculty of the university; and

WHEREAS, This appears to be the first case in which an appellate court has construed Article XX, Section 3, as being applicable to members of the faculty of the university; and

WHEREAS, The effects of such a ruling are far reaching and cast grave doubts as to the applicability of the state loyalty oath to other persons employed by the University of California; and

WHEREAS, A final determination of this novel question by the highest court of this State is of utmost importance to the legislative and executive, as well as the judicial, branches of our State Government in the performance of their respective obligations and responsibilities to the people; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby urges the Regents of the University of California to take the necessary steps to obtain a final determination by the Supreme Court of the State of California on this question of far-reaching significance; and be it further

Resolved, That the Attorney General of the State of California is requested to offer his services on behalf of the Executive Branch of the Government, to the Regents of the University of California, with respect to this matter; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each Regent of the University of California, and to the Attorney General of the State of California.

CHAPTER 85

Assembly Concurrent Resolution No. 45—Approving an amendment to the charter of the City of Porterville, a municipal corporation in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city

at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State April 26, 1951.]

City of Porterville: Charter amendment

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of Porterville, a municipal corporation in the County of Tulare, 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 AMENDMENT
TO CHARTER OF THE CITY OF PORTERVILLE

STATE OF CALIFORNIA }
} ss.
COUNTY OF TULARE }

Certificate

We, the undersigned, Earl L. Reed, President of the City Council and Mayor of the City of Porterville, and Jap Elledge, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to was a City containing a population of more than thirty five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article 11 of the Constitution of the State of California, which Charter was duly ratified by the qualified electors in said City at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 8 of Article 11 of the Constitution of the the State of California, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of a resolution passed and adopted by the City Council on the 16th day of January, 1951, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the amendment of Section 58 of the Charter of said City to be voted on by said qualified electors, at a general municipal election, held in said City on the 3rd day of April, 1951, which said proposal is hereinafter set forth at length;

That said proposed amendment was published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, in the Porterville Evening Recorder, which was then and there a daily newspaper

Certificate

printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and the official newspaper for said City;

That said City Council caused copies of said proposed amendment to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendment, advertise in the Porterville Evening Recorder, a notice that such copies might be had upon application therefor, all in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California;

That said proposed amendment was so published and advertised within fifteen (15) days after it was filed with the City Clerk and that the election at which it was voted on was by resolution of the City Council passed and adopted on the 16th day of January, 1951, set for April 3, 1951, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the City Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 9th day of April, 1951, declare the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the 3rd day of April, 1951, said proposed amendment was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment four hundred eighty eight (488) votes and against said amendment one hundred fourteen (114) votes;

That said amendment so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

Pensions Limitations

"Section 58. No pensions of any kind shall be awarded or paid to any active or retired City official or employee, including any member of the Police or Fire Department unless authorized by an ordinance adopted by the electors of the City, provided, however, That from and after January 1st, 1951, the City of Porterville and its employees, shall have the right to participate in, and secure protection for its employees, under Federal Old Age and Survivor's Insurance."

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposal for the amendment to Section 58 of said Charter, and

That we and each of us further certify that we have compared the foregoing and enclosed ratified amendment to the Charter of the City of Porterville with the original Resolution and proposal submitting the same to the electors of the City in

the general municipal election held on the 3rd day of April, 1951, and 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 Porterville to be affixed, this 9th day of April, 1951.

EARL L. REED,
President of the City Council
and Ex-Officio Mayor
(SEAL)
JAP ELLEDGE,
City Clerk of the City of Porterville.

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 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 members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Porterville 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 Porterville. Approval

CHAPTER 86

Assembly Concurrent Resolution No. 48—Approving amendments to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State April 26, 1951.]

WHEREAS, proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit: City of San Mateo Charter amendments.

CERTIFICATE OF ADOPTION OF CHARTER AMENDMENTS

STATE OF CALIFORNIA }
County of San Mateo } ss
City of San Mateo }

We, the undersigned, CARROL M SPEERS, Mayor of the City of San Mateo, and WILLIAM J. O'FARRELL, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, is now and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants, and has been ever since the 26th 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 19th day of December, 1922, and approved by the Legislature of the State of California by a concurrent resolution filed with the Secretary of State on the 26th day of January, 1923.

That pursuant to and 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 San Mateo, being the legislative body thereof, on its own motion, duly and regularly submitted certain proposals for the amendment of the Charter of said city, to be voted on by the qualified electors of said city at the regular municipal election to be held therein on the 3rd day of April, 1951.

That pursuant to resolution duly adopted by the City Council of said City of San Mateo, the said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election was duly and regularly held on Tuesday, April 3, 1951, and the City Council of said City of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and did on the 9th day of April, 1951, by Resolution No. 309, (1951) duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on Proposal A to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by said Resolution No. 309 (1951) find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal A, was ratified by a majority of the qualified electors of said city voting thereon.

That said amendment to the charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

PROPOSAL A

AMENDMENT OF SECTION 51 OF THE SAN MATEO CITY CHARTER PROVIDING FOR VACATIONS OF CITY OFFICERS AND EMPLOYEES.

Shall Section 51 of the Charter of the City of San Mateo, California, be amended to read as follows:

"Section 51. VACATIONS OF CITY OFFICERS AND EMPLOYEES. The City Council shall have the power from time to time to fix by resolution the vacation privileges of officers and employees."? Vacations of officers and employees

That at said general municipal election a majority of the qualified electors voting on Proposal B to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by said Resolution No. 309(1951) find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal B, was ratified by a majority of the qualified electors of said city voting thereon.

That said amendment to the charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

PROPOSAL B

ADDING SECTION 15A TO THE SAN MATEO CITY CHARTER AUTHORIZING FACSIMILE SIGNATURES ON CHECKS, DRAFTS AND/OR OTHER ORDERS FOR PAYMENT OF MONEY.

Shall Section 15A be added to the Charter of the City of San Mateo, to follow directly after Section 15, to read as follows:

"Section 15A. FACSIMILE SIGNATURES. All checks, drafts and/or other orders for payment of money, drawn in the name of the City of San Mateo, when bearing or purporting to bear the actual or facsimile signatures of both the City Treasurer, or his authorized deputy, and the City Clerk, or his authorized deputy, shall be valid and binding on the City. All provisions of this Charter in conflict with this section are hereby repealed."? Facsimile signatures

And we further certify that we have compared the foregoing amendments with the original proposals filed and submitted to the qualified electors of the City of San Mateo, as aforesaid, 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 said City of San Mateo to be affixed hereto, this 12th day of April, 1951.

C. M. SPEERS
(SEAL) Mayor of the City of San Mateo
WILLIAM J. O'FARRELL
City Clerk of the City of San Mateo

and

WHEREAS, Said proposed charter amendments have been and 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; 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 said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the charter of said City of San Mateo.

CHAPTER 87

Senate Concurrent Resolution No. 29—Relative to the establishment of "I Love You, California," as the state song.

[Filed with Secretary of State April 26, 1951.]

Official state song

WHEREAS, The internationally recognized song "I Love You, California," written by the well-known Angelinos, F. B. Silverwood, with music by A. F. Frankenstein, in 1913, is usually sung as California's Official State Song; and

WHEREAS, This popular song, first introduced by Mary Garden in 1913, truly expresses the sentiments and feelings of California's native and adopted sons and daughters, young and old; and

WHEREAS, No other song written before or since, shares its unique distinction, enduring record and affectionate appreciation with which it has entwined the hearts of all Californians; and

WHEREAS, The song "I Love You, California" was adopted as the official song at the San Francisco and San Diego expositions in 1915; and

WHEREAS, The song was played aboard the first ship that passed through the Panama Canal; and

WHEREAS, Every cent that has ever been collected in the form of royalties from this song has been given to various charitable agencies. Over 125,000 copies were sold during the first three months after its publication and all royalties for that period were given to the Dayton Flood Relief Fund; and

WHEREAS, This song has been unofficially considered as our state song since it was first introduced in 1913. It is sung in social and fraternal organizations and various conventions not only in this State but nationally. It graphically describes the beauties of the State; and

WHEREAS, California has no officially designated state song; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the official state song is "I Love You, California."

CHAPTER 88

Assembly Concurrent Resolution No. 49—Approving amendments 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 the regular municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State April 26, 1951.]

City of Berkeley Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments 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, LAURANCE L. CROSS, 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 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, pg. 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, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 3rd day of April, 1951.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 21st day of February, 1951, 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.

Certificate

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 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 22nd day of February, 1951, and on each day thereafter to and including the 2nd day of April, 1951, 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 Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 3rd day of April, 1951, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 3rd day of April, 1951, 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 Amendments 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 all of the amendments to the Charter of the City of Berkeley hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 32,915—N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter 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.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Subdivision (7) of Section 44 of Article VIII of the Charter of the City of Berkeley be amended to read as follows:

Article VIII

Requirement

Section 44 (7) Ordinance required in certain cases.

No action providing for the acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except

by ordinance; provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

That Sections 67, 67.1 and 67.3 of Article XI of the Charter of the City of Berkeley be amended to read as follows:

Article XI

Contracts Requirement

Section 67. Expenditures in excess of $1000.00.

Each specific improvement and each purchase of supplies, equipment or materials the expenditure for which exceeds the sum of one thousand dollars ($1,000.00) shall be done by contract authorized by resolution of the Council and said contract shall be let to the lowest responsible bidder after advertising for sealed proposals for five (5) consecutive days as required by this Charter. Such notice shall give a brief description of the work to be done or the supplies, equipment or materials to be purchased. The Council may reject any and all bids. If all bids are so rejected or if no bids are received, the Council may readvertise for new bids, or authorize the City Manager to negotiate in the open market for a contract at a reasonable price, or authorize the City Manager to purchase in the open market, or authorize the City Manager to have the work performed by City employees.

Same Exception

Section 67.1. Work performed by City employees.

The provisions of Section 67 of this Charter shall not apply to any work which is being performed by City employees with City materials and with equipment owned or rented by the City.

Same

Section 67.3. Purchases from utilities.

The provisions of Section 67 of this Charter shall not apply to the purchases from any utility publicly owned or regulated by the Public Utilities Commission of the State of California or its successor.

That a new section, to be numbered Section 67.4, be added to Article XI of the Charter of the City of Berkeley to read as follows:

Article XI

Same Resolution

Section 67.4. Other expenditures in excess of $1,000.00.

Any action providing for the expenditure of public money the amount of which exceeds the sum of one thousand dollars ($1,000.00), except such as is provided for in Sections 67, 67.1, 67.2 or 67.3 hereinabove, shall be authorized by resolution of the Council or shall be done by contract authorized by resolution of the Council.

CHARTER AMENDMENT No. 4

That the title and subdivisions (1), (2) and (3) of Section 44, Article VIII, of the Charter of the City of Berkeley be amended to read as follows:

Article VIII

Ordinances, resolutions, and motions

Section 44. Ordinances, resolutions and motions.

(1) Action by Council.

The Council may act by ordinance, resolution or motion.

(2) Ayes and noes.

The ayes and noes shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the journal of the proceedings of the Council.

(3) Majority vote of Council.

No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative votes of at least five members of the Council.

CHARTER AMENDMENT No. 6

That Subdivision (5) of Section 5, Article III, of the Charter of the City of Berkeley be amended to read as follows:

Article III

Designation on ballot

Section 5. (5) Designation on ballot.

On the ballot, immediately under the name of each candidate and not separated therefrom by any line, one of the following designations may appear:

1. The word "incumbent", if he be the incumbent, or

2. Not more than three words designating his profession or calling.

No indication of employment by or affiliation with any named business, partisan, religious or other private organization, or belief in or adherence to any political persuasion, shall be permitted in this connection, however. The designation on the candidate's affidavit shall be in accordance with the above provisions.

That Subdivision (10½) of Section 5, Article III, of the Charter of the City of Berkeley be repealed.

CHARTER AMENDMENT No. 7

That Subdivision (i) of Section 28, Article VII, of the Charter of the City of Berkeley be amended to read as follows:

Article VII

Submission of demands

Section 28. (i) To submit to the Council, at least once each month, a list of all claims and bills approved for payment by him.

CHARTER AMENDMENT No. 8

Repeal

That Subdivision (9) of Section 47, Article IX, of the Charter of the City of Berkeley be repealed.

CHARTER AMENDMENT No. 9

That Section 56 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Article X

Section 56 Annual tax levy. Annual tax levy

The Council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the City, subject to the provisions of this Charter, a rate of taxation upon each hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

CHARTER AMENDMENT No. 10

That Sections 8 and 16 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Article V

Section 8. The elective officers. Elective officers

The elective officers of the City shall be a Mayor, an Auditor, eight (8) Councilmen and five (5) School Directors.

The Council shall consist of the Mayor and eight (8) Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of five (5) School Directors, each of whom shall have the right to vote on all questions coming before the Board; provided, however, that the Mayor shall serve as a School Director with the right to vote on all questions coming before the Board for the four (4) year term commencing July 1, 1951.

Section 16. School Director's term of office. Term of School Director

The School Directors shall hold office for a term of six (6) years from and after the first day of July after their election and until their successors are duly elected and qualified. Provided, however, that the School Directors first elected under this Charter amendment shall be elected as follows: two (2) School Directors shall be elected at the general municipal election in April, 1953, to serve for six (6) year terms commencing July 1, 1953; three (3) School Directors shall be elected at the general municipal election in April, 1955, two (2) to serve for six (6) year terms commencing July 1, 1955, and one (1) to serve for a two (2) year term commencing July 1, 1955.

At the general municipal election in April, 1953, and at each third general municipal election thereafter there shall be elected two (2) School Directors; at the general municipal election in April, 1957, and at each third general municipal election thereafter there shall be elected one (1) School Director; and

at the general municipal election in April, 1961, and at each third general municipal election thereafter there shall be elected two (2) School Directors.

CHARTER AMENDMENT No. 11

That Section 57 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Article X

School tax

Section 57. School tax.

If requested by resolution of the Board of Education it shall be mandatory for the Council to assess and collect, in addition to the tax for municipal purposes, an annual tax levy for school purposes in such amount as the Board of Education shall request, provided, however, such levy shall not exceed thirty-five cents on each one hundred dollars of the assessed value of all real and personal property within the City.

All taxes levied and collected for school purposes shall be deposited with the Treasurer of Alameda County, State of California, in accordance with the provisions of the Education Code of the State of California.

That Sections 107 and 108 of Article XV of the Charter of the City of Berkeley be repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments 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 18th day of April, 1951.

LAURANCE L. CROSS
(SEAL) Mayor of the City of Berkeley
RUTH C. KEMP
City Clerk of the City of Berkeley

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.

CHAPTER 89

Assembly Concurrent Resolution No. 50—Relative to the death of Honorable George R. Butters, Assemblyman from the Seventy-seventh District, Imperial County, and to adjournment of the Legislature in respect to the memory of Assemblyman George R. Butters.

[Filed with Secretary of State April 27, 1951.]

Death of George R Butters

WHEREAS, The Members of the Legislature are deeply bereaved to learn of the death of their fellow member Honorable George R. Butters of Brawley on April 24, 1951; and

WHEREAS, George R. Butters represented the County of Imperial in the Assembly of the State of California from 1945 until the time of his death; and

WHEREAS, During his term of office George R. Butters brought to the deliberations of the Legislature a wealth of understanding and knowledge gained from his many years experience in reclaiming desert land and in farming in the Imperial Valley; and

WHEREAS, The many acres of desert land reclaimed by him and now being farmed will stand as a permanent memorial to his industry and ability; and

WHEREAS, During his membership in the Assembly he served with distinction as a member of the Assembly Committees on Agriculture, Ways and Means, Fish and Game, and Elections; and

WHEREAS, He has been active in the Masonic Lodge and in the Imperial Farm Bureau and California Farm Bureau Federations; and

WHEREAS, He has devoted his life to the development of agriculture in the Imperial Valley and to the service of the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California express their grief at the passing of the Honorable George R. Butters and desire by this resolution to pay tribute to his excellent qualities and to convey to his bereaved family their sympathy in this great loss; and be it further

Resolved, That when the Legislature this day adjourns it do so out of respect to the memory of the Honorable George R. Butters; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to have prepared suitably engrossed copies of this resolution and is directed to transmit them to Roy Butters, son of George R. Butters.

CHAPTER 90

Senate Concurrent Resolution No. 53—Approving amendments to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of April, 1951.

[Filed with Secretary of State April 30, 1951]

City of Chico Charter amendments

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the charter of the City of Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
County of Butte, } ss
CITY OF CHICO.

Certificate

We, the undersigned, Theodore Meriam, Mayor of the City of Chico, and Grace M. Strong, Clerk of the City of Chico, do hereby certify and declare, as follows:

That the City of Chico in the County of Butte, State of California, has at all times mentioned herein been, and now is, a municipal corporation of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants and less than fifty thousand (50,000) inhabitants, and ever since the 16th day of April, 1923, organized, existing and acting under a free-holders charter adopted under and by virtue of the provisions of Section VIII, 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 held for that purpose on the 15th day of December, 1921, and approved by the Legislature of the State of California on the 3rd day of February, 1923.

That the legislative body of said city, namely: The Council of said city, of its own motion did pursuant to the provisions of Section VIII, Article XI of the Constitution of the State of California by resolution adopted the 20th day of February, 1951, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico certain amendments to the Charter of said City, and order that said amendments be submitted to the qualified electors of said City at the General Municipal Election to be held in said City on the 9th day of April, 1951, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendments proposed.

That the proposed amendments were duly and regularly published and advertised on the 24th day of February, 1951, in

accordance with Section VIII, Article XI of the Constitution of the State of California, in the "Chico Enterprise-Record", a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, the said newspaper being the official newspaper of the City of Chico. Certificate

That copies of said proposed amendments to said Charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments until the date fixed for the election on said Charter amendments, the legislative body of the City of Chico, to-wit: the Council of the City of Chico, caused to be published in the "Chico Enterprise-Record", said official newspaper of the City of Chico, a notice that such copies could be had upon application therefor in the office of the City Clerk of the City of Chico.

That the said Council of the City of Chico did by Ordinance No. 422, dated March 6, 1951, entitled: "An Ordinance Calling for the Holding of a Municipal Election on Monday, April 9, 1951, Fixing the Time, Stating the Objects of Said Election, Designating the Officers of the Election Precincts, Consolidating Regular Precincts and Designating the Polling Places of each Consolidated Polling Precinct," order the holding of the general municipal election of the said City of Chico on the 9th day of April, 1951, for the purpose, among other things, of causing a vote upon the ratification of said proposed charter amendments, which said date so fixed was not less than forty days nor more than sixty days after the completion of the publication of the proposed charter amendments; and that in accordance with the provisions of the Charter of the City of Chico and said Ordinance so adopted, the City Clerk of the City of Chico did cause said Ordinance to be published in the "Chico Enterprise-Record" once each week for two weeks next preceding the date fixed for said election, to-wit: March 26, 1951, and April 2, 1951, pursuant to the provisions of the Charter of the City of Chico; and which said Ordinance provided, among other things, for the voting upon said proposition entitled: "Proposed Amendments to the Charter of the City of Chico."

That said General Municipal Election was held in the City of Chico on the 9th day of April, 1951, which said day was not less than forty days nor more than sixty days after the publication of the "Resolution that Proposed Amendments to the Charter of the City of Chico be Submitted to the Voters of said City at the General Election to be held in said City on April 9, 1951," in the "Chico Enterprise-Record" on February 24, 1951.

That the said Council of the City of Chico 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 the proposed charter amendment as determined from a canvass of the returns thereof, which result was as follows:

Certificate

ON PROPOSITION NO. 1

Total ballots cast	2410
Total number of votes cast upon ratification of said proposed Charter Amendment	2074
In favor of the ratification of said proposed Charter Amendment	1795
Against the ratification of said proposed Charter Amendment	279

ON PROPOSITION NO. 2

Total ballots cast	2410
Total number of votes cast upon ratification of said proposed Charter Amendment	1980
In favor of the ratification of said proposed Charter Amendment	1572
Against the ratification of said proposed Charter Amendment	408

ON PROPOSITION NO. 3

Total ballots cast	2410
Total number of votes cast upon ratification of said proposed Charter Amendment	2039
In favor of the ratification of said proposed Charter Amendment	1673
Against the ratification of said proposed Charter Amendment	366

That at the said general municipal election held on the 9th day of April, 1951, as aforesaid, the said proposed charter amendments were ratified by a majority of the qualified electors of said City voting thereon.

That the Charter amendments so ratified by the qualified electors of the City of Chico 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 VIII, Article XI of the Constitution of the State of California, and which are in words and figures as follows:

PROPOSITION NO. 1

Contracts in excess of $1000 Requirement

Section 1. That Section 23 of Article IV of the Charter of the City of Chico be amended, by repealing and striking therefrom the following language:

"Five Hundred Dollars ($500.00)", and substituting therefor the language: "One Thousand Dollars ($1000.00)",

said section, as amended, to read as follows:

Section 23. GENERAL CITY WORK. In the erection, improvements, and repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or

in and about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of One Thousand Dollars ($1000.00), the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated in at least one issue of the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. Except that where plans and specifications or both have been adopted and filed with the City Clerk, reference may be made thereto in the notice. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide by a four-fifths vote, for the work to be done by the City Manager. In case no bid is received, the Council may likewise provide for the work to be done by the City Manager.

PROPOSITION NO. 2

Section 2. That Article XV of the Charter of the City of Chico, entitled "Miscellaneous Provisions", be amended by adding thereto a new section, to be known as Section 120, to read as follows:

Personnel

Section 120. Any officer, board, or commission herein authorized or empowered to appoint, employ, suspend, or discharge, or fix the compensation of, heads of departments, subordinate officials, officers, assistants, or employees of the city, shall exercise such authority or power subject to and in compliance with the provisions of any ordinance adopted by the City Council establishing a personnel system.

PROPOSITION NO. 3

Section 3. That Section 127 of Article XV of the Charter of the City of Chico, entitled "Miscellaneous Provisions", be amended by repealing and reenacting said section, and as amended and reenacted, to read as follows:

Self interest

Section 127. No officer or employee of the City shall be interested directly or indirectly in any contract, work, business, or sale made or negotiated by them in their official capacity for and on behalf of the City, or when made by the Council, or any body, board, or commission of which they are members, expense, price, or consideration for which is payable from the City Treasury; any such contract so made with the City by any such officer or employee while acting in their official capacity or by the Council, or any body, board, or commission of which they are members, and in which such employee, officer, or member is or becomes interested, shall be declared void by the Council.

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chico with the original proposal submitting the same to the

electors of said City, and find that the foregoing is a full, true and exact and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 16th day of April, 1951.

(SEAL)

THEODORE MERIAM
Mayor of the City of Chico
GRACE M. STRONG
Clerk of the City of Chico

WHEREAS, The said proposed charter amendments as ratified, as hereinbefore 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 or amendment, in accordance with the provisions of 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 thereon and concurring therein, That the aforementioned amendments to the charter of the City of Chico as proposed to, and adopted and ratified by, the electors of said city as hereinbefore set forth, be, and the same hereby is approved as a whole, without amendment or alteration, for and as amendment to, and as a part of, the charter of the City of Chico.

CHAPTER 91

Senate Concurrent Resolution No. 54—Relative to the illness of Joseph L. Knowles, Principal Deputy Legislative Counsel.

[Filed with Secretary of State April 30, 1951.]

Joseph L Knowles

WHEREAS, The Members of the Legislature have learned with regret that Joseph L. Knowles, Principal Deputy Legislative Counsel, is now confined to a hospital because of illness; and

WHEREAS, The many Members of the Legislature with whom Joe Knowles has worked will miss his advice and counsel and all of the members sincerely hope he may have a speedy recovery and early return to his duties; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature hereby extend to Joseph L. Knowles their best wishes for a complete and speedy recovery from his illness and hope that he may soon be able to return to his duties as Principal Deputy Legislative Counsel; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to Joseph L. Knowles.

CHAPTER 92

Senate Concurrent Resolution No. 47—Relative to the Central Valley Project.

[Filed with Secretary of State April 30, 1951.]

Central Valley water festival

WHEREAS, In seeking to bring about the fullest development of the waters of our State for beneficial uses, the Legislature, nearly 20 years ago, authorized the Central Valley Project to provide for the collection and transfer of a portion of the plentiful waters in the northern part of the Central Valley for distribution in parched lands in the southern portion of the valley; and

WHEREAS, On August 1, 1951, the first water destined to be transferred from Sacramento Valley to San Joaquin Valley, will be spilled from the Shasta Dam; and

WHEREAS, This transfer of water marks the first integrated operation of the initial features of the Central Valley Project; and

WHEREAS, The water so released on August 1, will flow, during a 10-day period, through the Sacramento River, the Sacramento Delta, through the Cross Channel to Tracy, and through the Delta-Mendota Canal 120 miles to the Mendota Pool to replace water that would normally flow down the San Joaquin River and permit the diversion of that water at Friant Dam through the Friant-Kern Canal to the Kern River at Bakersfield; and

WHEREAS, The magnitude of the works necessary to accomplish the transfer of water is evidenced by the six 22,500 horsepower pumps at the Tracy Pumping Plant which will lift the water 200 feet at the rate of 2,000,000 gallons a minute; and

WHEREAS, The Central Valley Project, constructed by the Federal Bureau of Reclamation, will provide water over 1,000,000 acres of land in the San Joaquin Valley which, for many years, has been suffering from an extreme water shortage, it containing two-thirds of the arid lands in the State and having only one-third of the water supply; and

WHEREAS, Many communities throughout the 500-mile length of the valley served by the project plan to hold celebrations in observance of the first transfer of waters; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature respectfully requests the Governor to proclaim, as the Central Valley Water Festival, a 10-day period of observance of the celebration of the completion of the initial features of the Central Valley Project from August 1, 1951, through August 10, 1951; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Governor of this State.

CHAPTER 93

Senate Concurrent Resolution No. 50—Relative to honoring the memory of Benedict V. DeBellis, Grand Venerable of the Sons of Italy in America.

[Filed with Secretary of State May 1, 1951.]

Death of Benedict V DeBellis

WHEREAS, Benedict V. DeBellis, born in Bari, Italy, on August 22, 1896, was one of the many people who left their native countries at an early age to seek the opportunities which this land offers to the courageous and industrious; and

WHEREAS, Benedict V. DeBellis, arriving in the United States in 1910, took advantage of the opportunities he found, schooled himself at Harvard University and Boston University of Law and was admitted to practice his chosen profession at the age of 26; and

WHEREAS, While in Boston he edited the English section of Gazetta, the important Italian newspaper in that city, and became interested in the National Fraternal Order of the Sons of Italy in America; and

WHEREAS, Coming to this State as a delegate to a national convention of that fraternal organization, he became so enamoured of the City of San Francisco, that he returned there to make it his home and devote his energies toward the welfare of this, his adopted land and to serve the interests of those of his nationality; and

WHEREAS, In 1944 he became Assistant Grand Venerable of the Sons of Italy in America and in 1947 he was elected Grand Venerable of the state order, a post which he held until his death on Friday, March 16, 1951; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature express their deep regret for the death of Benedict V. DeBellis and extend their kindest sympathy to his widow, Aurora DeBellis, to his father, Vincent DeBellis, to his brother, Frank DeBellis, and to his sisters, Mrs. Mary Hale and Mrs. Elizabeth Franz of San Francisco; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Aurora DeBellis, Vincent DeBellis, Frank DeBellis, Mrs. Mary Hale, and Mrs Elizabeth Franz.

CHAPTER 94

Senate Concurrent Resolution No. 43—Relative to adjournment in respect to the memory of Mr. George C. Jackson.

[Filed with Secretary of State May 3, 1951.]

Death of George C. Jackson

WHEREAS, George C. Jackson, a native of Sacramento, passed away April 9, 1951; and

WHEREAS, George C. Jackson was the husband of Mildred O. Jackson; the father of George C. Jackson, Jr.; the son of Mrs. E. A. Smithson; and the brother of William E. Jackson; and

WHEREAS, George C. Jackson was a recorder of the Ben Ali Temple of the Shrine, vice president of the Shrine Recorders Association of America, chairman of the Sacramento County Civil Service Commission, and a member of the Sacramento Commandery No. 2 of the Knights Templar, the Sacramento Scottish Rite Bodies, Sacramento Chapter No. 3 of the Royal Arch Masons, Sacramento Council No. 1 of the Royal and Select Masters, Capital City Lodge, No. 199 of the Free and Accepted Masons, and Sacramento Court No. 199 of the Royal Order of Jesters; and

WHEREAS, During his lifetime George C. Jackson furnished an example to his fellow citizens and neighbors by his conduct, his works, and his generous participation in civic affairs; and

WHEREAS, George C. Jackson was admired by all who knew him and devoted to his family and friends who found his life an example and inspiration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members of these bodies hereby express their profound sympathy to the family of George C. Jackson; and be it further

Resolved, That when these bodies do this day adjourn, they do so in respect to the memory of George C. Jackson; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitable copies of this resolution to Mildred O. Jackson, wife of the late George C. Jackson; George C. Jackson, Jr., his son; Mrs. E. A. Smithson, his mother; and William E. Jackson, his brother, as a memento of the respect and esteem which the Members of the Senate and Assembly hold for the memory of George C. Jackson.

CHAPTER 95

Senate Concurrent Resolution No. 59—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal general election held therein on the seventeenth day of April, 1951.

[Filed with Secretary of State May 3, 1951.]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, 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 San Diego, } ss.
City of San Diego.

Certificate

We, the undersigned, Harley E. Knox, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, 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 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 the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and 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 San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 4711 (New Series), passed and adopted by said Council on the 6th day of March, 1951, duly proposed to the qualified electors of The City of San Diego two certain amendments to the Charter of said City, designated as Propositions Nos. 1 and 2, respectively, and ordered said two proposed charter amendments to be submitted to said qualified electors at the municipal general election called and held in said City on the 17th day of April, 1951.

That said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: on March 7, 1951

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 28th day of March, 1951, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies

thereof were mailed to each of the qualified electors, as required by law. Certificate

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 4711 (New Series) to the qualified electors of said City at the Municipal General Election held in said City on the 17th day of April, 1951.

The said Council did on the second day next succeeding the date of said election then and there by resolution direct the City Clerk to make the canvass of the returns of said election. That upon the completion of said canvass and the certification of the results thereof by the City Clerk to the Council, said Council did, by Resolution No. __, passed and adopted April 24th, 1951, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No __ declare that the said proposed amendments to the Charter of The City of San Diego, designated as Propositions Nos. 1 and 2, were, and each of them was, ratified by a majority of the qualified electors of said City voting thereon.

That as to each of the amendments to the Charter of The City of San Diego, 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.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION No. 1.

Amend Section 59 of Article V of the Charter of The City of San Diego to read as follows:

"Section 59. Department of Inspection. The Department of Inspection shall consist of a Chief Inspector appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Chief Inspector shall be either a registered civil engineer or a certificated architect, either of whom must be licensed to practice his profession in the State of California, and be versed in building construction, strength and mechanics of materials, installations of all kinds, and has a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Chief Inspector and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings or enclosures, or upon the property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department." Department of Inspection

PROPOSITION No. 2.

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

Classification

"Section 117. Classification. The administrative service of the City is hereby divided into the unclassified and classified service, as follows:

The unclassified service shall include all elective positions and the following administrative offices:

A Confidential Secretary to the Mayor; City Manager, a confidential secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; City Librarian; Chief of Police; Chief Inspector in the Department of Inspection; Director of Operations of Police Department; Director of Service of Police Department; Confidential Secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; Director of the Water Department; Hydraulic Engineer; Superintendent of Maintenance and Operation of the Water Department; Director of Public Health; a Confidential Secretary to the Director of Public Health; Director of Social Welfare; Officers and Employees of the San Diego Unified School District; Members of all Commissions and Advisory Boards who serve the City without compensation.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 25th day of April, 1951.

(SEAL)

HARLEY E. KNOX
Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of The City of San Diego, California.

WHEREAS, The said proposed charter amendments as ratified, as hereinbefore 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 or amendment, in accordance with the provisions of Section 8, 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 the members elected to each house voting thereon and concurring therein, That the aforementioned amendments to the charter of the City of San Diego as proposed to, and adopted and ratified by, the electors of said city as hereinbefore set forth, be, and the same hereby is approved as a whole, without amendment or alteration, for and as amendment to, and as a part of, the charter of the City of San Diego. Approval

CHAPTER 96

Assembly Joint Resolution No. 8—Relative to a moratorium on federal income tax payments for persons in the armed forces.

[Filed with Secretary of State May 3, 1951.]

WHEREAS, The Korean crisis and the critical world situation have resulted in a need for rapidly increasing the strength of our armed forces; and Federal tax moratorium

WHEREAS, Large numbers of men are joining or being inducted into our military forces at considerable sacrifice to themselves and their families; and

WHEREAS, It is neither fitting nor proper that, in addition to their worries over financial obligations to private persons which they incurred while in civilian life, such persons should also be troubled by obligations owed to the government for which they are making such sacrifices; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be, and it hereby is urged and requested to enact legislation providing for a moratorium on the payment of federal income taxes due from or payable by persons in the armed forces; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and to each member of Congress from California.

CHAPTER 97

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 3 of Article XIII of said Constitution, relating to description of property for assessment.

[Filed with Secretary of State May 3, 1951.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session, commencing on the eighth day of January, 1951, two-thirds of all members elected to each of the two houses voting in Constitution Amendment Sec. 3, Art XIII, re assessment

favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 3 of Article XIII thereof, to read:

SEC. 3. The Legislature shall provide by law for the assessment of all lands.

CHAPTER 98

Assembly Joint Resolution No. 21—Relative to opposing an increase in the federal gasoline tax.

[Filed with Secretary of State May 3, 1951.]

Opposition to federal gasoline tax increase

WHEREAS, The Federal Government is considering an increase in the federal gasoline tax to assist in financing the present national emergency; and

WHEREAS, The total estimated federal motor vehicle excise taxes paid by highway users of this State in 1949 exceeded $108,577,000; and

WHEREAS, The total revenue derived in 1949 from California highway users under the present 1½ cent per gallon federal gasoline tax is estimated at $42,205,000; and

WHEREAS, Automobile registration in California has increased from 2,955,952 vehicles in December, 1940, to 4,976,296 vehicles in December, 1950, as a result of our great increase in population during the past decade; and

WHEREAS, The gasoline users of the State of California in 1950 used 2,875,399,357 gallons of gasoline as to which California gasoline taxes in the aggregate amount of $129,387,971.16 were paid, which taxes are not allowable as deductions in computing the federal income taxes of the consumers of such gasoline, California being one of six states in which purchasers of gasoline subject to state tax may not take such deduction; and

WHEREAS, The federal taxes on gasoline used in California in 1950 were $43,335,990.26, making the total federal and California gasoline taxes paid on gasoline used in California in that year equal to $172,723,961.42; and

WHEREAS, The proposed increase in gasoline tax excises would not only increase the cost of operating passenger cars and privately owned commercial vehicles essential to the defense effort, but would add so much to the cost of bus and truck operation that higher fares and rates would result in ultimately higher prices to the consumer, thereby working a hardship and contributing to inflation; and

WHEREAS, The field of automotive taxation is one that historically and rightfully belongs to the states as it is their principal source of revenue for construction, maintenance and patrolling of highways, including matching of federal aid for highways; and

WHEREAS, Further encroachment by the Federal Government into this field of taxation would interfere with the taxing potential of the states for highway purposes essential to the economy and security of the State and Nation; and

WHEREAS, It is the opinion of this Legislature that all funds derived from the levy of gasoline taxes in this State should be available for use in correcting the present deficiencies in the system of streets and highways within the State; 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 oppose any increase in federal gasoline tax levies; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 99

Senate Concurrent Resolution No. 58—Approving certain amendments to the charter of the City of Oakland, 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 seventeenth day of April, 1951.

[Filed with Secretary of State May 4, 1951.]

City of Oakland Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of 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, CLIFFORD E. RISHELL, 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

Certificate

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. 26086 C M.S. passed February 20, 1951, duly and regularly proposed and submitted to the qualified electors of said City, seven (7) certain proposals designated as Propositions 1 to 7 inclusive, 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 17th day of April, 1951. 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. 26086 C M.S. passed February 20, 1951, consolidated said special municipal election with the Nominating Municipal Election to be held in said City on the 17th day of April, 1951.

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 Nominating Municipal Election on the 17th day of April, 1951, 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 amendments in the "Oakland Tribune," the official newspaper of said City.

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 Oakland, on the 7th day of March, 1951, 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 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 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 7th day of March, 1951, and on each day thereafter to and including the 17th day of April, 1951, 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 proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the said amendments 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 Council of the City of Oakland, duly and regularly met on the 20th day of April, 1951, the 23rd day of April, 1951, and the 24th day of April, 1951, at its usual time and place of meeting, and did duly and regularly canvass the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 24th day of April, 1951, at its usual time and place of meeting, said Council by its Resolution No. 26462 C.M.S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 1, 3, 4 and 7 was ratified by a majority of the qualified electors of said City voting thereon, and that each of said proposed amendments to said Charter, designated as Propositions 2, 5 and 6 received less than a majority of the votes of the qualified electors voting thereon, and was not ratified.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION 1.

Amend Sub-division (12) of Section 7 of the Charter of the City of Oakland to read as follows:

Election.

(12) If at the election for recall and removal from office a vacancy is created, any candidate receiving at said election a majority of the votes cast for that office shall be thereby elected. Recall election

If at the election for recall and removal, a vacancy is so created and not so filled by a candidate receiving a majority of votes, then the Council shall order the holding of a second election to take place not more than four weeks, nor less than one

week after the first election At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those candidates who received the most votes, less than a majority) shall be printed upon the ballot; except that, in case of a tie between the second and third highest, the provisions of subdivision twenty-one (21) of Section five (5) shall apply.

In all other respects the calling of said second election, the requirements of the ballots and the conduct of the second election shall be the same as provided in this Charter for General Municipal Elections, except as otherwise provided in this Article.

The Council shall canvass the returns and declare the result of said second election within four (4) days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office

In case of a tie vote at the second election for any office the Council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

PROPOSITION 3.

Amend Article XI of the Charter of the City of Oakland by adding Section 62a thereto, which section shall read as follows:

Definitions

Sec 62a Wherever in this Article the words or phrases herein designated shall appear, they shall be changed to the substituted respective words or phrases herein set forth: "Board of Playground Directors" shall read "Recreation Commission"; "Board" shall read "Commission"; "Director" either singular or plural shall read "Commissioner" singular or plural accordingly; "Playground Director" shall read "Recreation Commissioner"; "President" shall read "Chairman"; and "Playground Fund" shall read "Recreation Fund".

Wherever in this Charter the word "Board" is used with application to the Board of Playground Directors, it shall be construed to refer to the Recreation Commission

The provisions of this section are for the limited purpose of redesignating the aforesaid words and phrases, and shall in no manner affect the continuity of existing offices, tenures, funds, powers, existing agreements or other business of the department.

PROPOSITION 4.

Add a new Article to the Charter of the City of Oakland to be numbered XXVI, consisting of Sections 233 to 252, both inclusive, and to read as follows:

ARTICLE XXVI

Police and Fire Retirement System

SECTION 233:

Police and Fire Retirement System

There is hereby added to the Charter of the City of Oakland a new Article to be known as Article XXVI for the purpose of combining into one system, hereby created and to be known as The Police and Fire Retirement System, and the separate systems heretofore created by the provisions of Articles XIV and XV of this Charter. All persons who become members of the Police or Fire Departments as defined in Articles XIV and XV of this Charter, including all persons hereafter employed to perform the duties now performed by matrons and substitute matrons of the City Prison, on or after the effective date of this Article, hereby defined as July 1, 1951, or the first of the month next following approval by the Legislature, whichever is the later, shall be members of the Retirement System established by this Article and shall be subject to the provisions hereof. All members of the Police or Fire Departments who are subject to the Relief and Pension Systems under the provisions of Articles XIV and XV of this Charter, and not permanently retired, including matrons and substitute matrons of the City Prison, shall have the option of being members of this Retirement System under the provisions of this Article, said option to be exercised in writing on a form furnished by the Retirement Board as hereinafter defined, to be filed with the Secretary of the Board not later than 90 days after the effective date of this Article. Upon filing said written option, such persons shall be subject to the provisions of this Article as of its effective date, notwithstanding any other provisions of this Chater; provided that any of such persons who are absent by reason of service in the armed forces of the United States, and any persons on disability retirement under Article XIV or XV, on the effective date of this Article, shall have the right to exercise said option within 90 days after the return of such persons to service in said departments. Members of the Relief and Pension Systems under Articles XIV and XV of this charter, who do not exercise the option in this section, shall remain members under the provisions of said articles and under the provisions of Section 252, and benefits being paid, on the effective date hereof, to or on account of persons who are or have been members under said articles, shall be continued at their existing rates and in accordance with the provisions of said articles, but shall be paid from the fund created under this article

SECTION 234:

Police and Fire Retirement Board

In order to continue in force and make effectual pensions and retirements already existing or that may be granted in the future in favor of members of the Police or Fire Departments, the systems heretofore existing under the provisions of Articles

Retirement Board

XIV and XV of this Charter are hereby combined into one system to be known as the Police and Fire Retirement System and the funds heretofore created, existing and known as the Police Relief and Pension Fund and the Firemen's Relief and Pension Fund are hereby combined in a common fund to be known and designated as the Police and Fire Retirement Fund. This System and Fund shall be managed and administered by a Board hereby created to be known and designated as the Police and Fire Retirement Board, which shall be the successor of and shall have the powers and duties heretofore possessed and exercised by the Board of Trustees of the Police Relief and Pension Fund and the Board of Trustees of the Firemen's Relief and Pension Fund. This Board shall consist of five (5) members as follows: The Mayor of the City, one active member of the Police Department, one active member of the Fire Department, a resident representative of an insurance company and a resident official of a local bank. The member of the Police Department and the member of the Fire Department shall each be elected by vote of the active members of their respective departments within ninety (90) days after the effective date of this Article in a manner to be established by and under the supervision of the Retirement Board, and the insurance company representative and the bank official shall each be appointed by the City Council upon the recommendation of the Mayor within thirty (30) days after the effective date of this Article. Pending the election of the members of the Police and Fire Departments, one active member of each department appointed by the Chief of each of said departments shall be members of the Board. The terms of office of the first members of the Board shall expire as follows: The Mayor upon termination of his term of office, the elected member of the Police Department on September 1, 1953, the elected member of the Fire Department on September 1, 1954, the insurance company representative on September 1, 1955, and the official of a local bank on September 1, 1956; thereafter subsequent members of the Board, with the exception of the Mayor, shall be elected in the manner hereinabove provided or appointed for terms of five (5) years each. In the event of a vacancy, a successor shall be elected or appointed as the case may be for the unexpired portion of the term vacated. Election or appointment of successors as hereinabove provided shall be held or made not more than ninety (90) days prior to the expiration of the term of office of the member to be succeeded, or in the event of a vacancy in an office prior to the termination thereof not more than ninety (90) days immediately following the occurrence of such vacancy. The members of the Board shall serve without compensation.

(a) The City Attorney shall attend all meetings of the Board in person or by authorized representative.

(b) The Board shall hold regular meetings monthly and special meetings at any time upon the call of its President. A majority of the members of the Board shall constitute a quorum for the transaction of business. The powers conferred by this

Article upon the Board shall be exercised by order or resolution adopted by the votes of at least three (3) members of the Board. At the regular meeting in September of each year, the Board shall select one of its members to act as President for the ensuing year. The Board shall keep a written record of its proceedings which shall be public.

(c) The Board shall appoint a Secretary who shall hold office at its pleasure and who shall have the power to administer oaths and affirmations and issue subpoenas in all matters pertaining to the administration and operation of the System. The Board shall also appoint an actuary who shall hold office at its pleasure, and medical examiners in connection with disability retirement, and such additional clerical and other assistants as the City Council may authorize. All regular and permanent employees of the Board shall, with the exception of the Secretary, Actuary and Medical Examiners, be appointed under the provisions of Article XIII of this Charter.

(d) The Board shall make an annual estimate of the cost of administering the Retirement System and shall transmit the same to the City Manager at such times as he may direct. The City Manager shall cause to be included in his annual estimate of the probable expenses of the City, and the City Council shall appropriate the amount necessary for the administration of the System, to be paid out of the general fund of the City.

(e) The Board shall possess power to make all necessary rules and regulations for its guidance and shall have exclusive control of the administration and investment of the fund established for the maintenance and operation of the System, provided that all investments shall be of the character legal for savings banks in the State of California. All earnings and interest from such investments shall accrue and be deposited to the credit of the Fund The City Treasurer shall be the custodian of such Fund.

(f) The Board shall have such additional power and authority as is conferred by Section 20 of this Charter.

(g) If any section, word, clause or provision of this Article shall be held unconstitutional, the remaining sections, clauses, words or provisions thereof shall not be affected thereby. All the provisions of this Article are to be liberally construed.

SECTION 235: DUTIES OF RETIREMENT BOARD, ACTUARIAL INVESTIGATION AND VALUATION

Same Duties

The Board shall exercise the powers and perform the duties conferred on it by other sections hereof, and in addition thereto:

(a) Interest on Contributions. Shall credit contributions of members, of beneficiaries, and of the City with interest at a rate fixed by the Board from time to time.

(b) Actuarial data. Shall keep in convenient form such data as shall be necessary for the actuarial valuation of the Retirement System. As of June 30, 1956, and thereafter at intervals of not to exceed five (5) years, the Board shall make an actuarial investigation into the mortality, service, and compen-

sation experience of the members and beneficiaries, and further (1) with respect to persons exercising the option in Section 233, and (2) with respect to persons who become members on and after the effective date of this Article, shall make an actuarial valuation of the assets and liabilities of the Retirement System. From time to time, the Board shall determine the rate of interest being earned on the Retirement Fund. Upon the basis of all or any of such investigation, valuation, and determination, the Board shall:

(1) Adopt for the Retirement System such interest rate and such mortality, service and other tables, or any of such items, as shall be deemed necessary;

(2) Make such revision in the City's and members' rates of contribution under the Retirement System with respect to persons who become members of the Police or Fire Department, after the effective date of this Article, as shall be deemed necessary to comply with Section 252 of this Article.

(c) Additional Records. In addition to the other records and accounts, shall keep such records and accounts as shall be necessary to show at any time:

(1) The total contributions of members made after the effective date hereof, with credited interest;

(2) The total contributions of retired members made after the effective date hereof, with credited interest; less the annuity payments made to such members;

(3) The accumulated contributions of the City held for the benefit of members on account of service rendered as members of the Retirement System;

(4) All other accumulated contributions of the City, which shall include the amounts available to meet the obligation of the City on account of benefits that have been granted.

(d) The mortality, service, and other tables and the City's and members' rates of contribution with respect to persons who become members of the Police or Fire Department after the effective date of this Article, as recommended by the actuary and the valuations determined by him and approved by the Retirement Board shall be conclusive and final, and the Retirement System shall be based thereon.

SECTION 236:

Public hearings

The Board may and in disputed matters shall hold public hearings in all proceedings pertaining to retirement and to the granting of retirement allowances, pensions, and death benefits. Notice of the time and place of such hearing shall be given in writing to the member or dependents affected thereby either by personal service of a copy of said notice or by depositing a copy thereof in the United States Mail postage prepaid addressed to the member or dependents affected thereby at his or their last known address at least five (5) days prior to said hearing. Proof of said service must be made at said hearing. The member or dependents affected thereby shall be entitled to appear personally at said hearing and to have counsel.

SECTION 237:

Rehearing

A rehearing in any matter may be applied for by filing a written petition for rehearing with the Secretary of the Board within ninety (90) days after mailing of notice by registered mail to the interested party or his attorney, of the rendition of any order or decision of the Board. The Board shall grant or deny such petition within forty (40) days from the filing thereof, provided that the time so limited may be extended by the Board for not to exceed forty (40) additional days. If a rehearing is granted, the same shall be heard within forty (40) days after the rendition of the order granting the same. At such rehearing additional evidence not produced at the original hearing may be introduced. The petition must designate the grounds upon which it is based.

SECTION 238:

Judicial review

Any member of the System or dependent affected thereby who is dissatisfied with any order or decision of the Board may, without first applying to the Board for a rehearing, apply to the Superior Court of the State of California in and for the County of Alameda for a Writ of Mandate in accordance with the provisions of the Code of Civil Procedure of the State of California. Upon the hearing of any such application for a Writ of Mandate, all questions of both law and fact must be tried or heard anew in the Superior Court.

SECTION 239:

Availability of remedy

The provisions of Sections 237 and 238 shall be available to any member of the System or dependent affected by any order or decision of the Board without prejudice to the right to pursue any other remedy provided for by the laws of the State of California.

SECTION 240:

Definitions

The following words and phrases, as used in this Article, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance", "death allowance", or "allowance" shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life, unless a different term of payment is definitely provided by the context.

"Compensation" as distinguished from benefits under the Labor Code of the State of California, shall mean the monthly remuneration payable in cash, by the City, without deduction, for time during which the individual receiving such remuneration is a member of the Police or Fire Department, but excluding remuneration paid for overtime and for special details or assignments as provided in Sections 91 and 97 of the Charter.

"Benefit" shall include "retirement allowance", "death allowance", "allowance", and "death benefit".

"Compensation attached to the average rank held" shall mean the compensation attached to the lowest rank held during the three years immediately preceding retirement plus one thirty-sixth ($\frac{1}{36}$) of the difference between it and the compensation attached to any higher rank held during that period for each month, and fraction thereof, the higher rank was held.

For the purposes of the Retirement System established by this Article, the terms "member of the Police or Fire Department", "member of the Department", "member of the System", or "member" shall mean any regularly appointed member of the Police or Fire Departments of the City of Oakland who become members of the Retirement System established by this Article, including matrons or substitute matrons of the City Prison and emergency patrolmen and hosemen.

"Retirement System" or "System" shall mean the Police and Fire Retirement System established by this Article.

"Charter" shall mean the Charter of the City of Oakland.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

"Retirement Board", or "Board" shall mean the Police and Fire Retirement Board created by this Article.

"Children" shall include, with respect to service retirement, children adopted at least five (5) years prior to retirement, and with respect to disability retirement and death before retirement, children adopted at any time prior to such retirement or death.

Words used in the masculine gender shall include the feminine and neuter genders; singular numbers shall include the plural, and the plural the singular, and wife shall include husband, and widow shall include widower.

"Accumulated contributions" shall mean contributions made by the member since May 3, 1943, plus credited interest.

SECTION 241: RETIREMENT FOR SERVICE

Retirement for service

(a) Any member of the Police or Fire Department who completes at least 25 years of service in the aggregate, regardless of age, or at least 20 years of service in the aggregate and attains the age of 55 years, said service to be computed under section 242, may retire for service at his option.

(b) Members shall be retired on the first day of the month next following the attainment by them of the age of 70 years to and including June 30, 1955; the age of 69 years during the 12 months commencing July 1, 1955; the age of 68 years during the 12 months commencing July 1, 1956; the age of 67 years during the 12 months commencing July 1, 1957; the age of 66 years during the 12 months commencing July 1, 1958; and thereafter following the attainment of the age of 65 years. Any such member who attains the age set forth in the preceding sentences as the compulsory age of retirement during any twelve (12) months, prior to the beginning of the twelve (12) months, shall be retired on the first day of the twelve (12) months.

(c) A member retired after meeting the requirements of paragraphs (a) or (b) next preceding, shall receive a retirement allowance equal to fifty (50) per cent of the compensation attached to the average rank held during the three (3) years immediately preceding such retirement, plus an additional allowance at the rate of one and two-thirds (1⅔%) per cent of said compensation for each year of service rendered after the effective date of this Article and after qualifying for service retirement, not to exceed ten (10) years. A member required to retire under paragraph (b) next preceding before completing twenty (20) years of service in the aggregate computed under Section 242, shall receive a retirement allowance which bears the same ratio to the retirement allowance which said member would receive if he were entitled to be credited with twenty (20) years of service, as the service with which he is entitled to be credited, bears to twenty (20) years.

(d) Upon the death of a member after qualification for service retirement, or after retirement for service or because of disability, and if death shall result from other cause than injury received in or illness caused by the performance of duty, two-thirds (2/3rds) of the retirement allowance to which the member would have been entitled if he had retired for service at the time of death, or two-thirds (2/3rds) of the retirement allowance as it was at death, as the case may be, shall be continued, regardless of the age of the surviving widow, to the dependents of the member in the order of succession as defined in Section 245, provided that if retirement was for injury received in or illness caused by the performance of duty and if death occurs prior to the date upon which the member would have qualified for service retirement, the allowance continued shall be reduced upon said date in the same manner as it would have been reduced had the member not died.

(e) After having qualified for service retirement under the provisions of paragraph (a) of this section, a member shall be entitled to retire at any time thereafter and nothing shall deprive said member of said right.

(f) The age of a member which was accepted for appointment to the Police or Fire Departments shall be admissible in evidence as prima facie proof of his age for retirement purposes.

(g) If, at the date of retirement for service or disability, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued, regardless of dependents, a member retired under this Article, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued, regardless of dependents, as the case may be, partly in a lesser amount to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all of the conditions prescribed by the Council to

govern similar election by members of the Oakland Municipal Employees' Retirement System.

SECTION 242: TIME AND SERVICE TO BE INCLUDED

Time and service to be included

The following time and service shall be included in the computation of the service to be credited to a member for the purpose of qualification for retirement and death benefits and for calculation of retirement benefits:

(1) Time during and for which said member received compensation as a member of the Police or Fire Department prior or subsequent to the effective date of this Article, including all such time said member was unable to perform his duties by reason of injury or sickness from any cause

(2) Time during which said member was absent by reason of service with the armed forces of the United States either during a war involving the United States as a belligerent, or in any other National Emergency and for six (6) months thereafter and who is not dishonorably discharged or released therefrom.

(3) Any police or fire service outside the limits of the City of Oakland performed by a member of the Police or Fire Department and under orders of a superior officer of such member, shall be considered as city service and any disability or death resulting therefrom shall be considered as received in and arising out of the performance of duty.

SECTION 243: DISABILITY RETIREMENT

Disability retirement

(a) Any member of the Police or Fire Department who becomes incapacitated for the performance of duty by reason of any injury received in, or illness caused by or arising out of the performance of duty and which disability continues without interruption for one (1) year, may be retired, and, if not qualified for service retirement shall receive a retirement allowance equal to seventy-five (75%) per cent of the compensation attached to the average rank held by such member during the one (1) year immediately preceding such retirement. Such retirement allowance shall be paid until the date upon which said member would have qualified for service retirement had such member rendered service without interruption, and on and after said date said retirement allowance shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the compensation attached to the average rank held during the one (1) year next preceding retirement. If at the time of retirement for disability, the member is qualified for retirement for service, said member shall receive a retirement allowance computed under the provisions of Section 241.

(b) Any member of the Police or Fire Department who becomes incapacitated for the performance of duty for any cause not included in the provisions of the preceding paragraph (a) and who shall have completed at least ten (10) years of service in the aggregate, shall be retired upon a retirement allowance calculated under Section 241, if he has attained the age of fifty-five (55) years, otherwise upon a retirement allowance equal to

one and one-half (1½%) per cent of the compensation attached to the average rank held by such member during the three (3) years next preceding such retirement for each year of service, provided that said retirement allowance shall not be less than thirty-three and one-third (33⅓%) per cent of said compensation. The question of retiring a member under this section may be brought before the Board on the Board's own motion, by recommendation of the City Manager or by petition of said member or his guardian.

(c) The Board may at any time order any member who has been retired for disability to be examined by one or more physicians appointed by the Board for that purpose, and if it is found that the disability has ceased, shall order that the retirement allowance shall cease and said member shall be restored to the service in the rank occupied at the time of retirement.

SECTION 244: DEATH FROM SERVICE-CONNECTED CAUSES

Death in line of duty

If a member of the System shall die before or after retirement by reason of an injury received in, or illness caused by or arising out of the performance of duty, an allowance shall be paid to the dependents of such member in the order of succession established by Section 245, in the following amount:

(1) If the member at the time of death was qualified for service retirement, but had not retired, the allowance shall be equal to the retirement allowance which the member would have received if he had retired for service on the day of death, but such allowance shall not be less than one-half (½) of the compensation attached to the rank held by such member at the time of his death.

(2) If death occurs prior to qualification for service retirement, the allowance shall be equal to one-half (½) of the compensation attached to the rank held by such member at the time of death.

(3) If death occurs after retirement, the allowance shall be equal to the retirement allowance of the member, except that if retirement was for disability due to performance of duty, and if death occurred prior to the date upon which the member would have qualified for service retirement, the allowance shall be reduced upon said date in the same manner as it would have been reduced had the member not died. If retirement was for disability not due to performance of duty, the allowance shall not be less than one-half (½) of the compensation attached to the average rank held by the member during the one (1) year immediately preceding retirement.

(4) The allowance provided for in paragraphs (1) and (2) immediately preceding, if payable to the widow of such member, shall be increased while there are children of such member as provided in Section 245.

(5) The widow of such member shall be eligible to receive the allowance provided for in this section without regard to the time of her marriage to such member, provided that in the event the death of such member shall occur after retirement,

such marriage shall have occurred at least one year prior to retirement.

SECTION 245: DEATH OF MEMBER; PAYMENT OF BENEFITS; ORDER OF SUCCESSION

Beneficiary of death payment

(1) In cases in which a benefit is payable to the dependents of a deceased member under the provisions of this Article, such benefit shall be payable to the family of such member in the following order of succession:

(a) To the widow of such member as long as she shall remain unmarried, provided that, if death occurred after retirement, she shall have been married to the decedent at least one (1) year prior to his retirement; and provided further, that in the event such decedent leaves surviving him a child or children and if death occurred prior to retirement, an additional amount shall be paid to such widow during the lifetime of each child until said child shall have married or attained the age of eighteen (18) years as follows: For one child, twenty-five (25%) per cent of the allowance provided for in this Article; for two children, forty (40%) per cent of such allowance; and for three or more children fifty (50%) per cent of such allowance, provided that the aggregate payments to the widow under this section shall not exceed seventy-five (75%) per cent of the compensation attached to the rank held by the decedent at the time of his death.

(b) In the event the decedent shall leave surviving him no widow eligible to receive said allowance, but shall leave a child or children under the age of eighteen (18) years, or should the decedent leave an eligible widow and a child or children under the age of eighteen (18) years and the widow die or remarry while said child or children are yet under the age of eighteen (18) years, then to such child or children collectively until the youngest child attains the age of eighteen (18) years, provided that no child shall receive any such allowance after attaining the age of eighteen (18) years or marrying.

(c) In the event the decedent shall leave surviving him no eligible widow, child or children but shall leave a parent or parents dependent on said member for their support, then to such parent or parents collectively in an amount or amounts to be determined by the Board in the proportion that the degree of support furnished by decedent bears to the allowance which would have been payable to an eligible widow of such decedent.

(2) In the event a deceased member leaves no dependents qualified to receive an allowance, there shall be payable a death benefit as follows:

(a) If death occurs before retirement, a sum equal to the member's accumulated contributions in the Fund plus an amount equal to one-twelfth ($\frac{1}{12}$) of the annual compensation attached to the rank held by such member at the time of death for each completed year of service as a member of the Police or Fire Department, not to exceed six (6), to his designated beneficiary, and if none, then to the estate of such member.

(b) If death occurs after retirement, then the sum of One Thousand Dollars ($1,000.00) to the beneficiary designated by such member, or if none, then to the estate of such decedent.

SECTION 246: NO FORFEITURE OF PENSION EARNED.

Forfeiture

Whenever any member of the System or a dependent of such member receiving a retirement allowance under the provisions of this Article shall wilfully disobey any rule or regulation of the Board with the intention of being insubordinate, or shall be convicted of a felony or shall become dissipated or shall become an habitual drunkard, in such event the Board may order that the retirement allowance payable to such member or dependent shall not be paid to such person but shall thereupon become payable to the family of such member next in order of succession as provided in Section 245 of this Article.

SECTION 247: HERNIA, HEART TROUBLE AND PNEUMONIA.

Hernia heart trouble, pneumonia

The terms "injury" or "illness" as used in this Article shall be construed to include hernia, heart trouble and pneumonia which develops or manifests itself during a period while a member of the System is in the active service of the Police or Fire Department. Such hernia, heart trouble or pneumonia so developing or manifesting itself shall be presumed to have been caused by and to have arisen out of and in the course of the performance of duty in such active service. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the Board is bound to find in accordance with it.

SECTION 248:

Retirees. Restrictions

(1) No member of the System who is retired for service or disability under this Article shall hold any elective or appointive position in the service of the City of Oakland, including membership on Boards or Commissions, nor shall any such person receive any payment for service rendered to the City, provided that service as an election officer or juror shall not be affected by this section.

(2) Retired members of the System or dependents of such members under the provisions of this Article shall not be subject to residence requirements.

SECTION 249:

Effect of recovery

(1) In the event of the death of or injury to any member of the System caused by the unlawful or negligent act of a third person while such member is acting in the performance of duty as a member of the Police or Fire Department or otherwise, any judgment for damages for such death or injury recovered by such member or dependent or personal representative shall not affect in any manner the amount of any allowance or death benefit payable to such member or dependents under the provisions of this Article. This section shall not be construed as in any manner prohibiting the City of Oakland or the Retirement System from recovering from said third person its damages.

(2) It is the intention of this section that allowances granted to or on account of members of the System for injury, illness or death incurred in the performance of duty shall not be cumulative with benefits under the Labor Code of California awarded as the result of the same injury, illness or death. If any member of the System or dependent receives compensation under the Labor Code for disability or death arising out of and in the course of the performance of duty, any payment on account thereof shall be applied as a credit and set off against any payment on account of salary granted to such member under Articles XIV and XV; or retirement allowance or other benefit granted to or on account of such member under the provisions of this Article as follows:

(a) If the amount is paid in one sum or in installments equal to or greater than such salary, retirement allowance, or other benefit, such member or dependent shall not receive any salary, retirement allowance, or other benefit until the total amount of the salary, retirement allowance, or other benefit which would otherwise be payable equals the total amount received under the Labor Code.

(b) If the amount is paid in installments less than such salary, retirement allowance, or other benefit, the salary, retirement allowance or other benefit shall be reduced so that the total of salary, retirement allowance, or other benefit plus the amounts received under the Labor Code will equal the salary, retirement allowance or other benefit which would otherwise be due.

(c) In either case any award specifically granted for medical, surgical, or hospital expenses shall not reduce the salary, retirement allowance, or other benefit.

(3) No benefits shall be paid under this Article on the basis of an award by the Industrial Accident Commission of the State of California.

Death without line of duty

SECTION 250: DEATH FROM NONSERVICE-CONNECTED CAUSES

In the event of the death of a member of the System under this Article, from causes other than injury received in or illness caused by or arising out of the performance of duty, a benefit shall be payable as follows:

(a) Whenever any member of the System, other than a retired member or a member eligible to retire for service, who shall have completed ten (10) years or more of service in the aggregate, shall die from causes other than those arising out of the performance of duty, then an allowance equal to thirty-three and one-third (33⅓%) per cent of the compensation attached to the rank held by such member at the time of death, shall be paid to the dependents of such member as provided in Section 245, and increased while there are children of such member as provided in that section.

(b) Where the member does not qualify under the provisions of paragraph (a) next preceding, one-twelfth (1/12th) of the annual compensation attached to the rank held by the

member at the time of his death, for each completed year of service in the Police or Fire Department, not to exceed six (6), plus the accumulated contributions of such member in the Fund, said aggregate sum to be payable to the dependents of such member pursuant to the order of succession established by Section 245.

(c) If there be no dependents eligible to receive such benefits under the provisions of Section 245, said aggregate amount in paragraph (b) next preceding shall be payable to the designated beneficiary of such member or if none, then to the estate of such member.

SECTION 251: RESIGNATION OR DISMISSAL.

Resignation or dismissal

Should a member of the System cease to be a member of the Police or Fire Department through any cause other than death or retirement, the member's accumulated contributions in the Fund shall be refunded to such member. If such person shall subsequently become a member of the Police or Fire Department, he shall re-deposit in the Fund in a manner to be determined by the Board, the amount so refunded plus interest from the date of refund to the date of redeposit, in which event said member shall be entitled to credit for all service rendered prior to withdrawal as such member.

SECTION 252: MEMBERS' AND CITY'S CONTRIBUTIONS.

Contributions

All payments provided for or on account of persons who are members under this Article and for or on account of persons who remain as members or who have been members of the Funds under Articles XIV and XV, shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member who exercises the option in Section 233 shall be five and one-half per cent (5½%). The normal rate of contribution of each person who becomes a member of the Police or Fire Department after the effective date of this Article shall be based on his age taken to the next lower completed quarter year, at the date he becomes a member of the Police or Fire Department, and shall be such as, on the average for each such member, will provide, assuming service without interruption, one-fourth (¼) of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying for retirement under Section 241, and assuming the contribution to be made from the date of his entrance into the Police or Fire Department.

(2) The dependent rate of contribution of each person who becomes a member of the Police or Fire Department after the effective date of this Article, shall be such as, on the average for such member, will provide, assuming service without interruption, and upon his first qualifying for service retirement under Section 241, one-fourth (¼) of the portion of his allowance, which is to be continued under Section 241, after his death and throughout the life of a surviving wife whose age at said

Contributions

death is three years less than the age of said member, or, as the case may be, a surviving husband whose age at said death is three years more than the age of said member. The dependent rate of contribution of each member who exercises the option in Section 233, shall be one and one-half per cent (1½%). If at the date of retirement for service or retirement for disability, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith.

(3) The normal rate of contribution of persons who remain members under Articles XIV and XV, shall be five per cent (5%). Such rate shall be applied to compensation, on and after the effective date of this article, as described in paragraph (4) of this section. Such persons shall not have dependent contribution rates.

(4) There shall be deducted from each payment of compensation made to a member throughout his membership, a sum determined by applying the member's normal and dependent rates of contribution to such compensation payment. Except for persons who remain members under Articles XIV and XV, the sum so deducted shall be credited forthwith to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon, shall be applied, according to the mortality tables and interest rate adopted by the Board, to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this Article, including continuance to the surviving wife, or shall be paid to said member or his estate or beneficiary as provided in this article.

(5) Members' contributions deducted from compensation earned prior to the effective date of this Article, and after May 3, 1943, shall not be considered in the determination of allowances, and shall be paid to the Retirement System, with interest, by the City when said accumulated contributions otherwise are payable to or on account of members by the Retirement System.

(6) The City shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section, to provide the benefits payable under this Article and Articles XIV and XV. Such contributions of the City with respect to members who exercise the option in Section 233, shall be equal during each fiscal year to the benefits payable to or on account of such members during such year, less the portion of the benefits provided by the respective member's accumulated contributions as provided in paragraph (4) of this Section. Such contributions of the City with respect to persons who remain members under Articles XIV and XV, and former members under said Articles, shall be equal during each fiscal year, to benefits payable to or on account of such members during such year, less the normal contributions deducted during such year from such members' compensation, under paragraph (4) pre-

ceding. Such contributions of the City with respect to persons who become members of the Police or Fire Department after the effective date of this Article, shall be made in annual installments and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year to such persons, said percentage to be twenty-four and thirty-one one-hundredths per cent (24-31/100%), until redetermined by the Retirement Board on the basis of the periodical actuarial valuation and investigation into the experience under the System. At such redetermination, said percentage shall be the ratio at the date of the periodical actuarial valuation, of the present value of the benefits thereafter to be paid under this Article from contributions of the City, and to or on account of such members, less the amount of the City's contributions plus accumulated interest thereon, then held by said System to provide such benefits, to the value at said date of compensation thereafter payable to said member. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service, and of death after retirement. On and after the effective date of such redetermination, the City shall contribute at the percentage fixed by the Board. The total amount, as determined by the Board, of the contributions required during any fiscal year of the City under the Retirement System shall be paid into the Retirement Fund by the City during such year. Contributions

(7) During the absence of a member by reason of service with the armed forces of the United States, either during a war involving the United States as a belligerent, or in any other National Emergency and for six (6) months thereafter, and who is not dishonorably discharged or released therefrom, the City shall contribute for and on behalf of such member, amounts equal to the contributions which would have been made by such member and by the City to the Police and Fire Retirement Fund if he had not been so absent. The contributions made by the City pursuant to the provisions of this paragraph in lieu of contributions which the member otherwise would have made, shall be made available only for the purpose of retirement and death after the completion of ten (10) years of service in the aggregate, and in the event of the resignation or dismissal of said member from service as a member of the Police or Fire Department prior to qualifying for service retirement, or in the event of the death of such member from causes not arising out of the performance of duty prior to the completion of ten (10) years of such service, any withdrawal of accumulated contributions by such member or any death benefit payable by reason of such death shall include only that portion of the accumulated contributions actually made by such member. For the purposes of this Article, a war involving the United States as a belligerent exists: (a) whenever Congress has declared war and peace has

not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

PROPOSITION 7.

Amend Section 130 of the Charter of the City of Oakland to read as follows:

Public Work To Be Done By Contract.

Contracts over $1,000 Requirement

Sec. 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer work, and in all work in or about streams, bays or waterfronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, or in the purchasing of any supplies to be used by the City, when the expenditure required for the same exceeds the sum of One Thousand Dollars ($1,000.00), the same shall be done by contract, 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. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished. Provided, however, the Council or Board may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done under its direction, or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received, the Council or Board may likewise provide for the work to be done under its direction or the supplies to be purchased in the open market.

Provided, always, the Council or any Board may, through the medium of interdepartmental requisitions, arrange for the performance of public work or the purchase of supplies under the direction of one or the other, or of the City Manager, as the case may be.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 26th day of April, 1951.

CLIFFORD E. RISHELL
(SEAL) Mayor of the City of Oakland
CHARLES M. DON
City Clerk of the City of Oakland

WHEREAS, The said proposed amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection 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; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments 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 are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 100

Senate Concurrent Resolution No. 60—Approving an amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the tenth day of April, 1951.

[Filed with Secretary of State May 4, 1951.]

City of Santa Cruz Charter amendment

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, 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 MAYOR AND CITY CLERK OF THE CITY OF SANTA CRUZ, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
County of Santa Cruz } ss.
City of Santa Cruz

Certificate

We, the undersigned, J. L. Chiorini, Mayor of the City of Santa Cruz, and A. J. Miller, the City Clerk of said City, do hereby certify and declare as follows:

The City of Santa Cruz, County of Santa Cruz, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3,500) inhabitants, and less than fifty thousand (50,000) inhabitants, and has ever since the year 1948, 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 municipal election held for that purpose on the 2nd day of March, 1948, 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 25th day of March, 1948. (Stats. 1948, Chapter 49).

The legislative body having authority of said city being a council thereof, did on its own motion, and by resolution adopted on the 27th day of February, 1951, duly propose to the qualified electors of said City of Santa Cruz, a certain amendment to Article XI of the charter of said city, to be voted upon at the general municipal election to be held in said city on Tuesday, the 10th day of April, 1951, which amendment is hereinafter set forth.

That in accordance with provisions of Article VII, Section 701 of the Charter of the City of Santa Cruz, a general municipal election is required to be held on the second Tuesday of April in each odd numbered year, commencing with the year 1949, and in accordance with the provisions of said charter, a general municipal election was regularly noticed for the 10th day of April, 1951, which date was the second Tuesday in April for the year 1951.

The said proposed amendment was published on the 28th day of February, 1951, in the Santa Cruz Sentinel-News, a newspaper of general circulation printed and published in the City of Santa Cruz, and having a general circulation therein, and being the official newspaper of the City of Santa Cruz, 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.

The said general municipal election held on April 10th, 1951, was not less than forty and not more than sixty days after the completion of the advertising in said newspaper. At said election the said proposed charter amendment was voted upon by the qualified electors of the City of Santa Cruz. A majority of the qualified electors voting thereon voted in favor of and did ratify the said proposed charter amendment.

That thereafter the City Council of said City of Santa Cruz, County of Santa Cruz, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendment to said City Charter of the City of Santa Cruz, was and is approved by the electors of said City of Santa Cruz, and ratified by the qualified voters voting thereon.

That said charter amendment so ratified by the qualified voters of the City of Santa Cruz at said election is in words and figures as follows:

PROPOSED CHARTER AMENDMENT

That Section 1110, Article XI, be amended to read as follows:

Section 1110. Appointments. Upon the receipt of notice of a vacancy in the Classified Service, the Personnel Director shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. No candidate may be certified more than three times for any one Classified position Appointments

When no eligible lists are available, the Civil Service Commission may authorize the appointing power to make temporary appointments in the Classified Service which shall remain in force until regular appointments can be made, but in no case to exceed six months, in order to prevent the interruption of public business and in order to meet extraordinary conditions. Provided further that during the time when a National Conscription Act is in effect, and when no eligible lists are available, the Civil Service Commission, with the consent of the City Manager and City Council may authorize the appointing power to make temporary appointments which shall remain in effect until regular appointments can be made, in no case to exceed twenty-four months, in order to prevent the interruption of public business and in order to meet extraordinary conditions. All temporary appointments shall be made under such rules and regulations as the Civil Service Commission shall prescribe. Temporary employees need not reside in the City of Santa Cruz during their temporary employment unless required so to do by the Civil Service Commission.

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Santa Cruz to be affixed this 27th day of April, 1951.

(SEAL)

JACK L. CHIORINI
Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

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

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 Cruz 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 Cruz. Approval

CHAPTER 101

Senate Concurrent Resolution No. 61—Approving amendments to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1951.

[Filed with Secretary of State May 4, 1951]

City of San Buenaventura Charter amendments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, 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 SAN BUENAVENTURA OF FOUR CERTAIN CHARTER AMENDMENTS.

STATE OF CALIFORNIA }
COUNTY OF VENTURA } ss.
CITY OF SAN BUENAVENTURA }

Certificate

We, the undersigned, Edwin Lee Gardner II, Mayor of the City of San Buenaventura, California, and Grace Woodruff, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred (3500) inhabitants, and has been ever since the 26th day of January, 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 7th day of January, 1932, and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

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 Buenaventura, being the legislative body thereof, by its Ordinance No. 785, amended by Ordinance No. 786, duly and regularly submitted to the qualified electors of said City four certain proposals to amend the Charter of said City and to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 10th day of April, 1951.

That pursuant to Resolution No. 3487 of the City Council adopted February 26, 1951, 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 San Buenaventura, on the 27th day of February, 1951, in the "Ventura County Star-Free Press", a daily newspaper of general circulation published in said City of San Buenaventura and the official newspaper of said City, and in each edition thereof, during the day of publication; that said City of San Buenaventura has a population of less than 50,000; that on February 27, 1951, said City Controller and Ex-Officio 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 6 of Article VI, the amendment of Section 9, sub-section 2, of Article VII, the amendment of Section 9, sub-section 3, of Article VII, and the amendment of Section 1 of Article X of the Charter of said City in the manner therein provided, to be voted upon at the general municipal election to be held in said City on April 10, 1951, that in accordance with the provisions of the Charter of the City of San Buenaventura, and in the manner provided by law, the said general municipal election was duly and regularly held in said City after due notice given and published, the day of election being on April 10, 1951, 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 "Ventura County Star-Free Press", the official newspaper of said City. Certificate

That thereafter said general municipal election was duly and regularly held on Tuesday, April 10, 1951, and the City Council of said City of San Buenaventura did, in the manner provided by law, duly and regularly canvass the returns of said election and did on the 16th day of April, 1951, by Resolution No. 3507 duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on said four proposals to amend the Charter of said City of San Buenaventura voted in favor of said amendments hereinafter set out, and the said City Council of said City did by said Resolution No. 3507 find, determine and declare that the said proposed amendments to the Charter of the City of San Buenaventura were ratified by a majority of the qualified electors of said City voting thereon.

That said four amendments to the Charter so ratified by the qualified electors of the City of San Buenaventura at said general municipal election were and are in words and figures as follows:

AMENDMENT No. 1. That Section 6 of Article VI of the City Charter be amended to read as follows:

Financial interest

"Section 6. Financial Interest:

No officer, appointee, or employee of the City shall be interested in any contract or transaction with the City, or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or sub-contract made with or for the City, upon any bond given for the performance thereof to the City, or contractor. No officer, appointee, or employee shall receive any commission, money or thing of value for or by reason of any dealings with or services for the City by himself or others, except his lawful compensation as such officer, appointee or employee. Provided, however, that the provisions of this Section shall not apply to members of the Board of Education, Library Trustees, Planning Commission, Housing Authority, Recreation Commission and all other boards, commissions and committees that serve gratuitously. The violation of any of the provisions of this section shall be a misdemeanor and shall also work the forfeiture of such office or employment on order of the Council or court of competent jurisdiction."

AMENDMENT No. 2. That sub-section 2. of Section 9 of Article VII of the City Charter be amended to read as follows:

Progressive payment of contracts

"Section 9. Public Works and Supplies:

2. Progressive payment of Contracts: Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed the amount at any time ninety per cent (90%) of the value of the labor done and the material used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety per cent (90%) of the contract price before the completion and acceptance of the work."

AMENDMENT No. 3. That sub-section 3. of Section 9 of Article VII of the City Charter be amended to read as follows:

Contracts exceeding $2,000

"Section 9. Public Works and Supplies:

3 Public Work to be Done by Contract: In the erection, improvement and repair of all public buildings, and works, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of two thousand dollars ($2,000.00), the same shall be done by contract, and shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two insertions; the first of which shall be at least ten days before the time for opening bids; provided, however, the Council may by a five-sevenths vote reject any and all bids, if deemed excessive, and re-advertise for bids, or provide for the work to be done or supplies or materials purchased under the direction of the Manager, provided the total cost submitted

by the Manager shall not exceed the lowest responsible bid submitted. In case no bid is received, the Council may likewise provide for the work to be done or supplies or materials purchased under the direction of the Manager."

AMENDMENT No. 4. That Section 1 of Article X of the City Charter be amended to read as follows:

"Section 1. *City Attorney:* City Attorney

The City Attorney shall be appointed or removed by the Council. He shall have been admitted and qualified to practice before the Supreme Court of the State of California, and shall have been in actual practice in California for at least three years next preceding his appointment The City Attorney shall be legal adviser of the Council and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the City (except the Board of Education) concerning City business, his opinion must be given in writing He shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts and other legal documents and instruments required by the Council or the Manager "

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Buenaventura 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 of said amendments.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of San Buenaventura to be affixed hereto this 17th day of April, 1951.

(SEAL)

EDWIN LEE GARDNER II
Mayor of the City of San Buenaventura, California
GRACE WOODRUFF
City Controller and Ex-Officio City Clerk of the City of San Buenaventura, California.

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

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 San Buenaventura as presented to, and adopted, and ratified by the electors of said Approval

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 part of the charter of said City of San Buenaventura.

CHAPTER 102

Assembly Concurrent Resolution No. 54—Relative to the death of the Honorable William E. Simpson.

[Filed with Secretary of State May 7, 1951.]

Death of William E. Simpson

WHEREAS, The members of the Assembly and the Senate have received with the deepest regret news of the untimely passing in Los Angeles on April 28, 1951, of the Honorable William E. Simpson, distinguished District Attorney of Los Angeles County; and

WHEREAS, Mr. Simpson was 62 years of age, born in Galesburg, Illinois, and settled in Bakersfield, California, in 1899; and

WHEREAS, He graduated from the Stanford Law School in 1912, and represented Kern County in the Assembly and practiced law in Kern County from 1912 to 1916 before moving to Fresno, where he practiced law until 1928 and served two terms as City Attorney of Fresno; and

WHEREAS, He served intermittently from 1928 to 1946 as Deputy and Assistant District Attorney of Los Angeles County and was appointed District Attorney on December 1, 1946, and was elected to that position and filled it with sincerity and honesty which made him respected by all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That when the Assembly and the Senate adjourn this day, the members do so out of respect for the memory of William E. Simpson, and extend their heartfelt condolences to the family of Mr. Simpson; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably embossed copies of this resolution to Mrs. Ethel Simpson, his widow, and to Dr. William E. Simpson, Jr. and Mr. Robert J. Simpson, his sons.

CHAPTER 103

Assembly Concurrent Resolution No. 56—Relative to extending condolences on the death of Lotus H. Loudon

[Filed with Secretary of State May 7, 1951.]

Death of Lotus H Loudon

WHEREAS, The news has reached us of the untimely passing of Lotus H. Loudon, affectionately known as L. H. "Gov" Loudon, owner and publisher of the Anaheim Bulletin; and

WHEREAS, L. H. Loudon was born in Salem, Indiana, April 2, 1891, to Willis Kiah and Dorinda Jane (Spaulding) Loudon,

who brought the boy at the age of nine to Whittier, California, where he began his newspaper career in 1910 as a composer and printer with the Whittier News, thereafter holding varied positions with other Southern California newspapers; and

WHEREAS, He typified the American tradition of employment while obtaining his education, being graduated from Whittier High School in 1910, and later attending the University of Southern California; and

WHEREAS, He thereafter entered upon a versatile career in journalism, civic leadership and state service, having membership, as past president of the Orange County Chamber of Commerce, Anaheim Chamber of Commerce, Anaheim Merchants Association, Orange County Press Association, and Anaheim Lions Club; and

WHEREAS, He served as County Director of the Boy Scouts, brought his skills to the Anaheim Valencia Orange Show organization, and was for seven years Chairman of the Board of Directors of the Institution for Women at Tehachapi; and

WHEREAS, His accomplishments will long endure, and his abilities be missed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California express their grief on the passing of L. H. Loudon and extend condolences to his family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. H D Loudon, Mr. L. H. Loudon, Jr., Mr. Stanley Loudon, and Mrs. Mildred D. Taggart, at 712 North Clementine Street, Anaheim.

CHAPTER 104

Senate Joint Resolution No. 19—Relating to federal support for vocational education

[Filed with Secretary of State May 8, 1951.]

Federal appropriation for vocational training

WHEREAS, Vocational training in agriculture, trades and industries, homemaking, business and similar fields is an essential part of public education in our high schools and junior colleges; and

WHEREAS, This practical occupational training is increasingly vital in this period when food and industrial production and the maintenance of homes is so necessary to the national economy; and

WHEREAS, The State of California has for 34 years enjoyed the most harmonious cooperative relationship with the Federal Government in establishing and conducting through local secondary schools such necessary occupational training; and

WHEREAS, In view of the imminent drafting of those 18 years of age or thereabouts, it is essential that they receive the

very finest occupational training before their induction into the armed forces; and

WHEREAS, The action of the Federal Bureau of the Budget in attempting to divert some ten million dollars ($10,000,000) of the nineteen million dollars ($19,000,000) federal "George-Barden" appropriation for vocational education to a nonexistent emergency fund is directly opposed to the recommendation of chief state school officers throughout the Nation; and

WHEREAS, The recommendation of the Bureau of the Budget is without precedent in almost 35 years in the operation and support of this cooperative program; and

WHEREAS, National preparedness for the future is dependent upon the occupational competency of our people; and

WHEREAS, It seems to be short-sighted economy to deprive the generation now in school of its right to occupational training; and

WHEREAS, The state and local support of vocational instruction in California has been increased rather than decreased; and

WHEREAS, This purported action by the Bureau of the Budget has been vigorously opposed throughout California by leading agricultural, industrial, and business groups and organizations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be memorialized to express its disapproval of this recommendation by the Bureau of the Budget; and be it further

Resolved, That the Congress of the United States be memorialized to recommend the full appropriation for the support of vocational education which has been made annually for a number of years; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the chairmen of the appropriate congressional committees, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 105

Senate Joint Resolution No. 21—Relative to memorializing Congress to appropriate money for the construction of the Buchanan Dam and Reservoir on Chowchilla River.

[Filed with Secretary of State May 8, 1951.]

Federal appropriation for Buchanan Dam and Reservoir

WHEREAS, The construction of the Buchanan Dam and Reservoir on Chowchilla River was recommended to Congress by the Chief of Engineers of the United States Army in 1949; and

WHEREAS, The proposed dam would be 153 feet high of concrete slab and buttress type construction, and the reservoir would have a total storage capacity of 70,000 acre-feet, of

which 60,000 acre-feet would be active and 10,000 acre-feet inactive, with a maximum flood-control reservation of 60,000 acre-feet; and

WHEREAS, Prior to 1950 it was estimated by the Chief of Engineers of the United States Army that the first cost of Buchanan Dam and Reservoir would be $7,247,000 and the total annual cost would be $333,100, compared to annual flood benefits of $109,000 and annual irrigation benefits of $232,000, or total annual benefits of $341,000; and

WHEREAS, In the light of the recent abnormal flood damage in the floods of November and December, 1950, to the area adjacent to and in the town of Chowchilla, in which damage totaling $357,000 was done and an area of 8,000 acres was inundated, it would appear that the estimated annual flood damage and consequent estimated flood benefits would be greatly increased so that the benefit-cost ratio would be far more favorable to the proposed work than it was at the time the construction was recommended; and

WHEREAS, Due to irrigation practices below the proposed reservoir much of the flood storage upon release could be beneficially used as winter irrigation or as replenishment for underground storage along the Chowchilla River; and

WHEREAS, Due to the increased danger of disastrous floods in this area it is necessary that the construction of Buchanan Dam and Reservoir be deferred no longer but constructed at the earliest possible time; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to authorize and appropriate money for the construction of Buchanan Dam and Reservoir on the Chowchilla River at the earliest possible time; and be it further

Resolved, That the Secretary of the Senate be 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.

CHAPTER 106

Senate Joint Resolution No. 28—Relative to flood control measures on the San Joaquin River System.

[Filed with Secretary of State May 8, 1951]

Flood control on San Joaquin River system

WHEREAS, In Public Law 534, Seventy-eighth Congress, Second Session, Congress authorized the plan of improvement for flood control on the Lower San Joaquin River and tributaries in accordance with the recommendation of the Chief of Engineers in Flood Control Committee Document Number 2, Seventy-eighth Congress, Second Session; and

WHEREAS, While Friant Reservoir on the San Joaquin River and certain flood control works on the tributaries thereof

have been completed and other works are now being constructed, definite plans have not been completed for the design of the remainder of authorized improvements on the Lower San Joaquin River and its tributaries, including river and channel improvements on the San Joaquin River between Skaggs Bridge and the delta, which plans are essential to the coordination of all flood control measures on the river system; and

WHEREAS, Disastrous floods occurred during 1950 on the Lower San Joaquin River System due to the inadequacy of existing flood control works causing more than twelve million dollars ($12,000,000) in damage to highly productive farm land, urban centers, roads, railroads and other property and improvements clearly demonstrate the importance of the preparation and execution of definite project plans without delay; and

WHEREAS, The State of California has evidenced its desire to participate in the flood control works on the Lower San Joaquin River and tributaries by authorizing and directing the State Reclamation Board to cooperate in that work, by furnishing the local cooperation required by the Federal Government; 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 Secretary of the Army and the Chief of Engineers to direct the Corps of Engineers to prepare and submit, without delay, definite project plans for the completion of flood control measures essential for adequate flood control protection on the entire San Joaquin River System, to the end that a comprehensive and coordinated flood control program on that system be constructed at the earliest possible date in order to prevent a recurrence of the disastrous floods; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Secretary of the Army and the Chief of Engineers, United States Army, and to each Senator and Representative in the Congress of the United States from the State of California.

CHAPTER 107

Senate Concurrent Resolution No. 45—Relative to flood control measures on the San Joaquin River System.

[Filed with Secretary of State May 8, 1951.]

Appraisal of lands, etc., by Reclamation Board

WHEREAS, The disastrous floods which occurred during 1950 on the Lower San Joaquin River due to the inadequacy of existing flood control works causing more than twelve million dollars ($12,000,000) in damage to productive farm land, urban centers, roads, railroads, and other property and improvements, clearly demonstrate the importance and necessity for adequate flood control works on the San Joaquin River System; and

WHEREAS, Congress has authorized a plan of improvement for flood control on the Lower San Joaquin River (between Skaggs Bridge and the delta) and tributaries; and

WHEREAS, It is essential to the prompt execution of those plans that the local cooperation in such work required by the Federal Government be accomplished without delay; and

WHEREAS, The Reclamation Board has been authorized and directed to cooperate in the flood control work on the Lower San Joaquin River and tributaries by furnishing the required local cooperation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Reclamation Board is requested to make the necessary appraisals for lands, easements, and rights of way which the State must acquire in providing the local cooperation required with respect to flood control work on the San Joaquin River System as soon as the definite plans for the work have been prepared; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Reclamation Board.

CHAPTER 108

Senate Concurrent Resolution No. 46—Relative to the Merced County Stream Group Project.

[Filed with Secretary of State May 8, 1951.]

WHEREAS, A flood control project on various streams in the Merced County Stream Group was authorized by Congress in the Flood Control Act of 1944 "substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 473, Seventy-eighth Congress, Second Session * * *," and was adopted and authorized by the State of California in the State Water Resources Act of 1945, substantially in accordance with said recommendations; and Merced County Stream Group Project. Stats. 1945, p. 2827.

WHEREAS, One of the conditions to federal construction of this project set forth in the recommendations of the Chief of Engineers was that the State of California or other responsible local agencies give assurances that they will restore the channel capacities of Black Rascal, Burns, Bear, Owens, and Mariposa Creeks; and

WHEREAS, Pursuant to the requirements of Section 42 of the State Water Resources Act of 1945, the State Reclamation Board has given assurances to the United States to do all of the things required by the Federal Government with respect to this project, including the restoration of said stream channels; and

WHEREAS, There has been no assumption by the County of Merced or any other local agency of the obligation to restore said stream channels; and

WHEREAS, In order that the requirements of the Federal Government with respect to this project may be complied with by the State Reclamation Board at the earliest possible time, it

is essential that the State Water Resources Board take immediate action to determine the cost of restoration of said stream channels and submit its recommendation to the Legislature for an allocation of money from the Flood Control Fund of 1946 for the purpose of restoring said stream channels under this project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Water Resources Board be requested to take immediate action to determine the cost of restoration of the channel capacities of Black Rascal, Burns, Bear, Owens, and Mariposa Creeks pursuant to the Merced County Stream Group Project and to recommend to the Legislature the amount which must be allocated from the Flood Control Fund of 1946 in order to carry out this portion of said project; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Chairman of the State Water Resources Board and to the President of the Reclamation Board.

CHAPTER 109

Assembly Joint Resolution No. 28—Relative to memorializing Congress to amend the Career Compensation Act of 1949 (63 Stat. 802) to authorize crediting service of cadets and midshipmen for purposes of pay and longevity

[Filed with Secretary of State May 10, 1951.]

Amendment of Career Compensation Act of 1949

WHEREAS, It has been a long established principle of law supported by repeated decisions of the courts that cadets and midshipmen are members of the regular naval and military establishments, and that they perform active service as such and are at all times subject to the Articles of War or the Articles for the Government of the Navy, as the case may be, and subject to all orders from proper authority for duty in such places and on such service as required including trial by court martial for offenses; and

WHEREAS, Prior to enactment of the Career Compensation Act of 1949 (63 Stat. 802), credit for service as cadets and midshipmen was allowed those who entered the Military Academy prior to August 24, 1912, and the Naval Academy prior to March 4, 1913 but is now denied such personnel; and

WHEREAS, The Career Compensation Act of 1949, governing the pay of members of the armed services, authorizes crediting all types of service, regular and reserve, active and inactive, except cadet and midshipman service; and

WHEREAS, By comparison of the various types of service so credited it is clearly indicated that the full-time active service of cadets and midshipmen is entitled to be credited for pay and longevity purposes in order to establish parity of credit for active service; and

WHEREAS, Correction of the discrimination against cadets and midshipmen as to credit for service as such has been favorably considered by committees and members of the United States Congress, as indicated by the passage of a bill (S. 657) by the Senate during the Eightieth Congress, which bill was reported favorably by the House Committee on Armed Services; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to amend the Career Compensation Act of 1949 at an early date to establish parity of credit for active service in computing the pay of those who serve and have served as cadets and midshipmen, and to restore the right to credit for such service to those who by law prior to the enactment of the Career Compensation Act of 1949 were entitled to it; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Committees on Armed Services of the Senate and the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 110

Assembly Concurrent Resolution No. 47—Relating to the reception given General Douglas MacArthur by the City of San Francisco.

[Filed with Secretary of State May 10, 1951.]

San Francisco reception of General MacArthur

WHEREAS, The City of San Francisco was host this week to General Douglas MacArthur, on his tumultuous return to his homeland for the first time within 14 years; and

WHEREAS, Mayor Elmer E. Robinson, of San Francisco, and other officials, were called upon, with extremely short notice, to prepare the city for a hero's welcome; and

WHEREAS, This responsibility was readily accepted and the tasks promptly and efficiently executed, which succeeded in affording General MacArthur a befitting welcome; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby join in complimenting Mayor Robinson, and the other officials who participated, for the excellent manner in which they conducted their reception for General MacArthur; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to send suitably engrossed copies of this resolution to Mayor Elmer E. Robinson, of San Francisco.

CHAPTER 111

Assembly Concurrent Resolution No. 55—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of said city at a special election held therein on the ninth day of April, 1951.

[Filed with Secretary of State May 10, 1951.]

City of Fresno Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as set out in the certificate of the Commissioner of Public Safety and Welfare, the ex officio Mayor of the City of Fresno, and the City Clerk of the City of Fresno as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.
CITY OF FRESNO }

Certificate

We, the undersigned, Gordon G. Dunn, Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno, in the County of Fresno, State of California, and D. E. Roughton, City Clerk of said city, do hereby certify and declare as follows:

That the City of Fresno, a municipal corporation in the County of Fresno, 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 January 21, 1921, 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 a majority of the qualified electors of such city at a municipal election held for that purpose on the 2nd day of November, 1920, and approved by the Legislature of the State of California by Senate Concurrent Resolution No. 2, filed with the Secretary of State on the 21st day of January, 1921 (Stats. 1921, page 1821).

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 Commission of the City of Fresno, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Fresno, certain proposals for certain amendments to the Charter of said City of Fresno at a certain Special Election called and held for that purpose in said city on the 9th day of April, 1951.

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 the Charter of the City of Fresno, on the 26th day of February, 1951,

in the Fresno Bee-The Republican, a daily newspaper of general circulation printed and published in said City of Fresno, and the official newspaper of said city. That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, as required by law, and a notice that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Fresno, in the Fresno City Hall, was published daily continuously in said Fresno Bee-The Republican from and including the 27th day of February, 1951, to and including the 9th day of April, 1951, all as required by Section 8 of Article XI of the Constitution of the State of California. That copies thereof were mailed to each of the qualified electors of said city within the time and in the manner required by law. Certificate

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said city at all times from and including February 27, 1951, to and including the 9th day of April, 1951, the date fixed for said Special Election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the Commission of the City of Fresno consolidated said Special Election with the General Municipal Election held in said City of Fresno on the 9th day of April, 1951; that in accordance with the provisions of the Charter of the City of Fresno and in the manner provided by law, the said consolidated elections were duly and regularly held in said city after due notice given and published, on the 9th day of April, 1951, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Fresno Bee-The Republican, the official newspaper of said city.

That thereafter the Commission of the City of Fresno did, in the manner provided by law, duly and regularly canvass the returns of said consolidated elections, and did on the 26th day of April, 1951, adopt its Resolution No. 3103 declaring the results of the canvass of the returns of said elections, and the results of said elections as determined from the canvass of the returns thereof; that the said Commission of said city did, by said Resolution, find, determine and declare that each and all of said proposed amendments to the Charter of the City of Fresno were ratified by a majority of the electors of said city voting thereon.

That as to said amendments to the Charter of the City of Fresno this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of Fresno so ratified by the electors of said city are in words and figures as follows, to-wit:

That Section 17 of Article III of the Charter of the City of Fresno be amended to read as follows:

Civil Service Board

Section 17. Organization. Chief Examiner. The City Commission shall appoint a Civil Service Board consisting of three public spirited electors of the city, each at least twenty-five years of age Each member of the board shall be appointed for a term of three years; provided that for the purpose of providing staggered terms for the members of said board, the term of one of the present members shall expire on July 1, 1952, the term of another member shall expire on July 1, 1953, and the term of the remaining member shall expire on July 1, 1954 Lots shall be cast to determine when the respective terms of the present members shall expire. Any member of such board may be removed by a four-fifths vote of the City Commission. Vacancies upon such board shall be filled by the City Commission by the affirmative vote of three members. Quarters for the Civil Service Board and necessary clerical help and supplies shall be provided by the City Commission. The Civil Service Board shall select one of its members as chairman to serve for a period of one year. The Civil Service Board shall appoint by a majority vote an executive officer, to be known as Chief Examiner, subject to the approval of a majority vote of the City Commission. The Chief Examiner shall act as secretary of the board. He shall be at least twenty-five years of age and shall have such educational and administrative qualifications and experience as in the judgment of the Civil Service Board shall fit him to perform the duties of the office, shall receive a salary to be fixed by the City Commission upon recommendation of the Civil Service Board, and shall hold office at the pleasure of the Civil Service Board. He shall perform such duties as may be prescribed by the Civil Service rules and by the Civil Service Board. Unless otherwise provided by ordinance, the Chief Examiner shall not be appointed from the membership of the Civil Service Board.

That Section 44 of Article V of the Charter of the City of Fresno be amended to read as follows:

Appropriations

Section 44. Appropriation Ordinances. Temporary appropriations: Transfers: Not later than one month after the beginning of the fiscal year, the Commission shall pass an annual appropriation ordinance, which shall be based on the budget, submitted by the Commissioner of Finance. The total amount of appropriations shall not exceed the estimated revenues of the city.

Before the annual appropriation ordinance has been passed the Commission may make appropriations for current department expenses chargeable to the appropriations of the year when passed, to an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force The Commission may also make appropriations (before the annual appropriation ordinance is in force) for necessary capital expenditures chargeable to the appropriations of the year when passed, to an amount not exceeding ten percent

of the average amounts spent for capital outlays by each of the various governmental departments of the city, the Water Department and the Waste Disposal Department, during the three preceding fiscal years. No requisition for items chargeable against such appropriations for capital expenditures shall be valid unless approved by a resolution adopted by at least a four-fifths vote of the Commission. No other liabilities shall be incurred by any officer or employee of the city, except in accordance with the provision of the annual appropriation ordinance, or under continuing contracts and loans authorized under the provisions of this charter, or in any other emergency cases specially provided for in this charter.

At any meeting after the passage of the appropriation ordinance, and after at least one week's public notice, the Commission, by the affirmative vote of four members, may amend such ordinances so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

That Section 85 of Article IX of the Charter of the City of Fresno be amended to read as follows:

Salary, wages of city employees

Section 85. Other Salaries and Wages Fixed by Commission. Limitation. The compensation of other officers or employees of the city, except where this charter provides that no salaries shall be paid, shall be fixed by the City Commission and may be readjusted by the City Commission whenever in its judgment such readjustment is necessary; provided that city employees skilled or unskilled shall be paid not less than the prevailing wage paid in private employment in said city in the trade in which such employees work, where there are workers in private employment in such trade, and the city shall not require its employees to work longer hours for the same wage than workers in private employment in said city work for such wage in the same trade; provided that the monthly salaries of the members of the police and fire departments of the city shall be fixed annually at an amount not less than the average monthly salaries, including increased cost of living bonuses, or whatsoever other name known, paid or approved for payment to members of like or comparable grade or rank of the police and fire departments of the cities of Pasadena, Glendale, San Jose, Stockton, Sacramento, Berkeley, Richmond and Alameda during the current fiscal year. For the purpose of this section, "salaries" shall not include vacation, sick leave, pensions, disability payments or other similar benefits, but shall include only the monthly salaries and increased cost of living bonuses, or whatsoever other name known, fixed by ordinance or resolution of said cities.

That Section 132.1 be added to Article XIV of the Charter of the City of Fresno to read as follows:

Consanguinity, affinity by marriage

Section 132.1. No person within the third degree of consanguinity, or affinity by marriage, with any officer or supervising employee of the City of Fresno, shall be hereafter

employed by the city, except that the City Commission by a four-fifths vote may authorize such employment.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Fresno with the original proposals submitting the same to the electors of said city, and find that the foregoing is a full, true and correct and exact copy of each thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the said City of Fresno to be affixed hereto, this 27th day of April, 1951.

(SEAL)

GORDON G. DUNN
Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno.

WHEREAS, The proposed amendments to the charter of the City of Fresno, 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 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 members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Fresno, as proposed to and adopted and ratified by the electors of said city, and each of them, 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 Fresno, a municipal corporation in the County of Fresno, State of California.

CHAPTER 112

Assembly Joint Resolution No. 30—Relative to the Central Arizona Project.

[Filed with Secretary of State May 10, 1951.]

Central Arizona Project

WHEREAS, The Central Arizona Project, proposed to the Congress of the United States as a project of the Bureau of Reclamation, has been of great concern to the people of California since its construction would create a direct threat to their right to use water of the Colorado River upon which nearly all of Southern California is dependent; and

WHEREAS, The magnitude of this concern is evidenced by the fact that this Legislature has, for the past four years, unanimously adopted resolutions memorializing Congress to support California in its position that the rights to the waters of the Colorado River should be adjudicated before authorization of the Central Arizona Project be considered; and

WHEREAS, Organizations, including the State and National American Federation of Labor, the C. I. O. of California, the Railroad Brotherhoods of California, the Grange of California, and the National Grange and the Veterans of Foreign Wars both state and national have by resolution, supported California in its fight to protect its rights to the waters of the Colorado River; and

WHEREAS, Through the ceaseless and untiring efforts of all of California's Congressmen, and particularly the members of the Interior and Insular Affairs Committee, the congressional measure which would have authorized the Central Arizona Project has been shelved until the dispute between California and Arizona over the water rights has been settled either by agreement between the affected states or by a decision of the United States Supreme Court; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, expresses, on behalf of the people of this State, appreciation to California's representatives in Congress for their efforts to bring about an equitable result with respect to the authorization of the Central Arizona Project and commends them on their concerted action in that regard; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to each Senator and Representative in Congress from California and to the State and National American Federation of Labor, the C. I. O. of California, the Railroad Brotherhoods of California, the Grange of California, the National Grange and the Veterans of Foreign Wars, both state and national.

CHAPTER 113

Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 8 of Article XIII of said Constitution, relating to property tax returns.

[Filed with Secretary of State May 12, 1951.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session, commencing on the eighth day of January, 1951, two-thirds of all members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California

Constitution Amendment Sec. 8 of Art. XIII, re property tax returns

that the Constitution of the State be amended by amending Section 8 of Article XIII thereof, to read:

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the county assessor, annually, a statement, either by oath or be verified by a written declaration that it is made under the penalties of perjury, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at 12 o'clock meridian, on the first Monday of March.

CHAPTER 114

Assembly Concurrent Resolution No. 46—Relative to the centennial of the arrival of Notre Dame nuns of California.

[Filed with Secretary of State May 12, 1951.]

Sisters of Notre Dame de Namur

WHEREAS, This year is the centennial of the schools inaugurated by the Sisters of Notre Dame de Namur in California; and

WHEREAS, Sisters Loyola and Mary Catherine of the Oregon foundation arrived in San Francisco in June, 1851, to await the arrival via the Isthmus of two new missionary sisters from Cincinnati, Ohio, whom they were to accompany back to Oregon; and

WHEREAS, Fortunately, the ship was delayed three months and during their wait the two sisters were induced by Bishop Joseph Sadoc Alemany to establish their first school in California at San Jose, then the State Capital; and

WHEREAS, The tremendous influx of persons as a result of the gold rush gave rise to a definite need for the services of the Sisters of Notre Dame, and since that time schools and convents have been established in San Jose, Marysville, Santa Clara, San Francisco, Alameda, Redwood City, Watsonville, Saratoga, Santa Barbara, Salinas, Los Angeles, Belmont, Chico, San Carlos, and Carmel; and

WHEREAS, The Institute of the Sisters of Notre Dame, cofounded by Blessed Julie Billiart and Mother Saint Joseph, has a distinguished history since its founding at Amiens, France, in 1803. In 1807, another foundation was established at Namur, Belgium, with Mother Saint Joseph as Superior. This convent became the mother house of the order, from which eight sisters emigrated to Cincinnati, Ohio, in October, 1840, and two of them, Sisters Loyola and Mary Catherine, traveled on to undeveloped Oregon, and then to historic San Francisco; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their heartfelt gratitude to the Sisters of Notre Dame de Namur for founding these educational institutions, which were created and nurtured under rigorous and almost insurmountable circumstances; and be it further

Resolved, That the Members of the Legislature extend to the Sisters of Notre Dame de Namur their congratulations and best wishes for the future; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to the Sisters of Notre Dame de Namur.

CHAPTER 115

Senate Concurrent Resolution No. 55—Relative to amending the Joint Rules of the Senate and Assembly by adding Rule 30.5, relating to conference committee reports.

[Filed with Secretary of State May 14, 1951.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 30.5 is added to the Joint Rules of the Senate and Assembly, to read: Procedure re urgency amendments to bills

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the 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 adopt the report of the Committee on Conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby 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 adopt the report of the Committee on Conference.

CHAPTER 116

Senate Concurrent Resolution No. 68—Approving amendments to the charter of the City of San Rafael, a municipal corporation in the County of Marin, 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, 1951.

[Filed with Secretary of State May 14, 1951.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as set out in City of San Rafael Charter amendments

the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF SAN RAFAEL, CALIFORNIA

STATE OF CALIFORNIA } ss.
COUNTY OF MARIN }

Certificate

We, the undersigned, Edward W. Culver, Mayor of the City of San Rafael, State of California, and Eugene W. Smith, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Rafael, a municipal corporation in the County of Marin, 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 Thirty-first day of March, 1913, and is now, organized, existing, and acting under a Freeholders' 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 Thirtieth day of November, 1912, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the Thirty-first day of March, 1913. (Statutes of 1913, p. 1549).

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 Rafael, being the legislative body thereof, by its Resolution No. 1324, adopted February 19, 1951, entitled "Resolution providing for submission of proposed amendments to the charter of the City of San Rafael, California, to the electors of said city, and directing publication of proposed charter amendments," duly and regularly submitted to the qualified electors of said city for their rejection or approval the proposed amendments to the Charter of said city hereinafter set forth at a General Municipal Election to be held in said city on Monday, the 9th day of April, 1951, which said Charter amendments were set forth and contained in said resolution and did appear therein, and in the publication thereof, and in the election proclamation hereinafter referred to, and upon the sample ballots hereinafter referred to, and upon the actual ballots used at said election in the words and figures and were designated and entitled as follows, and are and shall, if so approved by the Legislature of the State of California, be in the words and figures following, to wit:

PROPOSITION NO. 1—CHARTER AMENDMENT 5

Proposition to amend Section 8 of Article VI, of the Charter of the City of San Rafael, as amended by Charter Amendment No. 3, so as to provide that the qualifications stated therein

for eligibility to hold any office in said City shall apply only to the elective officers of said City, by amending Section 8 of Article VI to read as follows:

Article VI
City Officials

Section 8. Qualification of Officers. No person shall be eligible to hold any elective office in said City of San Rafael unless he be a resident and elector therein, and shall have resided in said City for three (3) years next preceding the date of such election. Qualification of officers

PROPOSITION NO. 2—CHARTER AMENDMENT 6

Proposition to amend Subsection 1 of Section 7 of Article VII of the Charter of the City of San Rafael so as to provide that the City Council may act by motion as well as by ordinance or resolution, except in cases where action by way of ordinance is required by said Charter or by applicable laws of the State of California, by amending Subsection 1 of Section 7 of Article VII to read as follows:

Article VII
The Council

Section 7. (1) Ordinances, Resolutions and Motions. The council may act by ordinance, resolution or motion, except in cases where it is required to act by ordinance under this charter or by applicable laws of the State of California. Ordinances, resolutions, and motions

PROPOSITION NO. 3—CHARTER AMENDMENT 7

Proposition to amend Subsection 6 of Section 7 of Article VII of the Charter of the City of San Rafael, which subsection relates to the requirements of ordinances, so as to provide that the publication of ordinances as therein set forth shall be in a newspaper of general circulation published in said city, by amending Subsection 6 of Section 7 of Article VII to read as follows:

Article VII
The Council

Section 7. (6) Requirements of Ordinances. No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in full in a newspaper of general circulation published in the City of San Rafael at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least three days before its adoption as amended. Ordinances

PROPOSITION NO. 4—CHARTER AMENDMENT NO. 8

Proposition to amend Subsection 7 of Section 7 of Article VII of the Charter of the City of San Rafael so as to eliminate the requirement of action by way of ordinance on certain subjects; and to amend Section 3 of Article XIII of the Charter of the City of San Rafael so as to clarify the provisions thereof, also to increase from Five Hundred Dollars ($500 00) to Fifteen Hundred Dollars ($1500.00) the limit on the estimated cost of public work which shall require such public work to be done by contract let to the lowest responsible bidder after advertising for sealed proposals, and to modify the time and manner of advertising for sealed bids, and to add a new section to said Article XIII of said Charter, to be numbered Section 3 1, to provide when the purchase of supplies, materials, machinery or equipment shall be upon contract let to the lowest responsible bidder after advertising for sealed proposals, by amending said Subsection 7 of Section 7 of Article VII and said Section 3 of Article XIII and by adding said Section 3.1 to Article XIII to read, respectively, as follows:

Article VII
The Council

Ordinances required

Section 7. (7) Ordinances Required in Certain Cases. No action providing for the sale of public property; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions shall be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Article XIII
Public Work and Contracts

Contracts exceeding $1500

Section 3. Public Work to be Done by Contract. The erection, improvement and repair of all public buildings and works, all street and sewer work except current maintenance and repair, and the furnishing of supplies and materials for the same, when the estimate therefor exceeds the sum of Fifteen Hundred ($1500 00) Dollars shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart in a newspaper of general circulation published in said city. Such notice shall specifically state the work contemplated to be done. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The council may reject any bid deemed excessive and re-advertise, or the work may be done by the council. If no bid is received, the work may be done by the council.

Article XIII
Of the Charter of the City of San Rafael, California, is hereby amended by adding thereto a new section which shall be numbered Section 3.1 and which shall read as follows:

Purchases exceeding $2500

Section 3.1. When Purchase of Supplies, Materials, Machinery or Equipment Shall Be by Contract. The purchase of supplies, materials, machinery or equipment by the city, except when furnished or acquired under a contract pursuant to Section 3 of this Article (XIII) shall, when the estimated cost therefor exceeds the sum of Twenty-five Hundred ($2500.00) Dollars, be done by contract, which shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart in a newspaper of general circulation, published in said city. Such notice shall contain a general description of the Supplies, materials, machinery or equipment to be purchased. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The council may reject any bid deemed excessive and re-advertise, or the council may purchase the supplies, materials, machinery or equipment upon the open market. If no bid is received the council may purchase the supplies, materials, machinery or equipment upon the open market.

Certificate

We do further certify and declare that thereafter pursuant to said resolution and the foregoing provisions of the Constitution of California, said proposed Charter amendments were duly and regularly published in the manner required by law in the Independent-Journal, a newspaper of general circulation, printed, published and circulated in said city; that said publication was so made upon the 23rd, 24th and 26th days of February, 1951;

That said publication did contain a notice of the submission of said amendments to the electors of said city at said election;

That thereafter and on the 20th day of March, 1951, said City Council did duly and regularly introduce and adopt its Resolution No. 1331 entitled "General Municipal Election Proclamation", calling, providing for and giving notice of said General Municipal Election and of the submission of said proposed Charter amendments thereat; that said election proclamation was published as required by law in said Independent-Journal upon the 23rd and 30th days of March, 1951 and upon the 5th day of April, 1951;

That thereafter, in the form, time and manner required by the Charter of said city, a sample ballot in the form to be used at said election was mailed to each of the qualified electors of said city and which did contain said proposed Charter amendments in the form hereinabove set forth;

That said General Municipal Election was held and conducted in the manner required by law and the Charter of said

Certificate

city on said 9th day of April, 1951, which day was not less than forty (40) days nor more than sixty (60) days after the completion of said publication of said proposed amendments; that the ballots used at said election did contain said proposed Charter amendments in the form, language and contents hereinabove referred to and said proposed Charter amendments were at said election submitted to the electors of said city for their rejection or approval as required in said resolution and in said election proclamation;

That upon the 13th day of April, 1951 pursuant to the Charter of said city, said City Council duly met and convened as a canvassing board and did duly and regularly canvass the votes cast at said election and the ballots thereat, and did duly and regularly introduce, read and adopt its Resolution No. 1335 declaring the result of said election;

That as more fully appears from said resolution, the total number of votes cast at said election, including absentee ballots, was 4,106 votes;

That the total number of votes (Yes) in favor of and adopting said Charter Amendment 5 was 2288 votes; and the total number of votes (No) against and rejecting said proposed Charter Amendment 5 were 698 votes; that the total number of votes cast both for and against said proposed Charter Amendment 5 was 2986 votes;

That the total number of votes (Yes) in favor of and adopting said Charter Amendment 6 was 1954 votes; and the total number of votes (No) against and rejecting said proposed Charter Amendment 6 were 842 votes; that the total number of votes cast both for and against said proposed Charter Amendment 6 was 2796 votes;

That the total number of votes (Yes) in favor of and adopting said Charter Amendment 7 was 2197 votes; and the total number of votes (No) against and rejecting said proposed Charter Amendment 7 were 651 votes; that the total number of votes cast both for and against said proposed Charter Amendment 7 was 2848 votes;

That the total number of votes (Yes) in favor of and adopting said Charter Amendment 8 was 1946 votes; and the total number of votes (No) against and rejecting said proposed Charter Amendment 8 were 800 votes; that the total number of votes cast both for and against said proposed Charter Amendment 8 was 2746 votes;

That upon said submission of said proposed Charter amendments at said election, said Charter amendments were, and each of them was, adopted and approved by the electors of said city, and by a majority of the qualified voters of said city voting in favor of and ratifying said amendments, and each of them;

That said Resolution No. 1335 did determine and declare that said proposed Charter amendments were, and each of them was, ratified by a majority of the 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; Certificate

That said amendments so ratified by said electors are, respectively, in the words and figures as follows, to wit:

PROPOSITION NO. 1—CHARTER AMENDMENT 5

Proposition to amend Section 8 of Article VI, of the Charter of the City of San Rafael, as amended by Charter Amendment No. 3, so as to provide that the qualifications stated therein for eligibility to hold any office in said City shall apply only to the elective officers of said City, by amending Section 8 of Article VI to read as follows:

Article VI
City Officials

Section 8. Qualification of Officers. No person shall be eligible to hold any elective office in said City of San Rafael unless he be a resident and elector therein, and shall have resided in said City for three (3) years next preceding the date of such election. Qualification of officers

PROPOSITION NO. 2—CHARTER AMENDMENT 6

Proposition to amend Subsection 1 of Section 7 of Article VII of the Charter of the City of San Rafael so as to provide that the City Council may act by motion as well as by ordinance or resolution, except in cases where action by way of ordinance is required by said Charter or by applicable laws of the State of California, by amending Subsection 1 of Section 7 of Article VII to read as follows:

Article VII
The Council

Section 7. (1) Ordinances, Resolutions and Motions. The Council may act by ordinance, resolution or motion, except in cases where it is required to act by ordinance under this charter or by applicable laws of the State of California. Ordinances, resolutions and motions

PROPOSITION NO. 3—CHARTER AMENDMENT 7

Proposition to amend Subsection 6 of Section 7 of Article VII of the Charter of the City of San Rafael, which subsection relates to the requirements of ordinances, so as to provide that the publication of ordinances as therein set forth shall be in a newspaper of general circulation published in said city, by amending Subsection 6 of Section 7 of Article VII to read as follows:

Article VII
The Council

Ordinances

Section 7 (6) Requirements of Ordinances. No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in full in a newspaper of general circulation published in the City of San Rafael at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least three days before its adoption as amended.

PROPOSITION No. 4—CHARTER AMENDMENT No. 8

Proposition to amend Subsection 7 of Section 7 of Article VII of the Charter of the City of San Rafael so as to eliminate the requirement of action by way of ordinance on certain subjects; and to amend Section 3 of Article XIII of the Charter of the City of San Rafael so as to clarify the provisions thereof, also to increase from Five Hundred Dollars ($500.00) to Fifteen Hundred Dollars ($1500.00) the limit on the estimated cost of public work which shall require such public work to be done by contract let to the lowest responsible bidder after advertising for sealed proposals, and to modify the time and manner of advertising for sealed bids, and to add a new section to said Article XIII of said Charter, to be numbered Section 3.1, to provide when the purchase of supplies, materials, machinery or equipment shall be upon contract let to the lowest responsible bidder after advertising for sealed proposals, by amending said Subsection 7 of Section 7 of Article VII and said Section 3 of Article XIII and by adding said Section 3.1 to Article XIII to read, respectively, as follows:

Article VII
The Council

Ordinances required

Section 7. (7) Ordinances Required in Certain Cases. No action providing for the sale of public property; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; provided, that such exceptions shall be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

Article XIII
Public Work and Contracts

Contracts exceeding $1500

Section 3. Public Work to be Done by Contract. The erection, improvement and repair of all public buildings and works, all street and sewer work except current maintenance

and repair, and the furnishing of supplies and materials for the same, when the estimate therefor exceeds the sum of Fifteen Hundred ($1500.00) Dollars shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart in a newspaper of general circulation published in said city. Such notice shall specifically state the work contemplated to be done. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The council may reject any bid deemed excessive and re-advertise, or the work may be done by the council. If no bid is received, the work may be done by the council.

Article XIII
Of the Charter of the City of San Rafael, California, is hereby amended by adding thereto a new section which shall be numbered Section 3.1 and which shall read as follows:

Purchases exceeding $2500

Section 3.1. When Purchase of Supplies, Materials, Machinery or Equipment Shall Be by Contract. The purchase of supplies, materials, machinery or equipment by the city, except when furnished or acquired under a contract pursuant to Section 3 of this Article (XIII) shall, when the estimated cost therefor exceeds the sum of Twenty-five Hundred ($2500.00) Dollars, be done by contract, which shall be let to the lowest responsible bidder, after advertising for sealed proposals at least twice, not less than seven (7) days apart in a newspaper of general circulation, published in said city. Such notice shall contain a general description of the supplies, materials, machinery or equipment to be purchased. The time specified for opening bids shall be not less than three (3) days from the date of the last publication of said notice. The council may reject any bid deemed excessive and re-advertise, or the council may purchase the supplies, materials, machinery or equipment upon the open market. If no bid is received the council may purchase the supplies, materials, machinery or equipment upon the open market.

For and on behalf of said city, we, being hereinabove duly authorized, do hereby request the Legislature of the State of California to adopt and approve said Charter amendments, 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 caused our signatures, authenticated by the Official Seal of said city, to be hereunto attached this 3rd day of May, 1951.

(SEAL)

EDWARD W. CULVER
Mayor
EUGENE W SMITH
City Clerk

142—L-434

Subscribed and sworn to before me this 3rd day of May, 1951.

FRANCES S. WAYMAN
(SEAL) Notary Public in and for the County of Marin, State of California
My commission expires September 2, 1952

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 San Rafael 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 part of the charter of said City of San Rafael.

CHAPTER 117

Assembly Concurrent Resolution No. 58—Approving the charter of the City of Arcadia, County of Los Angeles, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-fourth day of April, 1951.

[Filed with Secretary of State May 14, 1951.]

City of Arcadia Charter

WHEREAS, The City of Arcadia, in the County of Los Angeles, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Arcadia for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Arcadia, all as set forth in the following certificate of the mayor and city clerk of said City of Arcadia, to wit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF ARCADIA }

Certificate

We, the Undersigned, T. C. Sullivan, Sr., Mayor of the City of Arcadia, State of California, and R. C. Ewing, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said R. C Ewing, was at all times herein mentioned, the Clerk of the legislative body of the City and City Clerk of said City of Arcadia; that heretofore and prior to the 6th day of March, 1951, the said City Council of the City of Arcadia did cause to be framed a proposed charter for its own government, and on the 6th day of March, 1951, at a regular meeting of said City Council of said City, said City Council by Resolution No. 2122, adopted by the unanimous vote of those members of said City Council present, four members being present, ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the special election ordered in the City of Arcadia for the 24th day of April, 1951, for the purpose of submitting said proposition to the electors of said City of Arcadia, and which resolution ordered that said charter be filed with the City Clerk of the City of Arcadia; that said proposed charter of the City of Arcadia, consisting of pages 1 to 12, was filed in the office of the City Clerk in the City Hall at Arcadia, on the 6th day of March, 1951; and said resolution further ordered that the adoption of the charter should be submitted to the electors at said special election held on the 24th day of April, 1951, and directed that said City Clerk publish said proposed charter in the official newspaper of said City, which is a newspaper of general circulation printed and published in the City of Arcadia; Certificate

That said proposed charter was published pursuant to said order in the Arcadia Bulletin and in each edition thereof during the publication on the 12th day of March, 1951, said newspaper being of general circulation in said City of Arcadia; that the date of such publication was within 15 days after the said charter was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter, to wit, April 24, 1951, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper, as aforesaid;

That until the day fixed for the election upon such charter there was advertised in the Arcadia Tribune, a newspaper of general circulation printed and published in the City of Arcadia, and also in the Arcadia Bulletin, a newspaper of general circulation printed and published in the City of Arcadia, a notice that copies of said charter were available at the Office of the City Clerk in the City Hall of the City of Arcadia and could be secured upon application therefor at said office; that such copies were so available;

That the population of said City of Arcadia is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said election was duly and regularly held on the 24th day of April, 1951, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter and for the ratification and adoption thereof;

That the said City Council of the City of Arcadia at a meeting duly held on May 1, 1951, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Arcadia voting thereon, as follows, to wit:

Votes in favor of the ratification of said proposed charter	1482
Votes against the ratification of said proposed charter	326

That said election was held in accordance with the election laws of the State of California relating to and governing elections in cities of the sixth class within said State, so far as applicable, and in other respects in strict accordance with the general laws of the State of California;

That said charter so prepared, proposed, submitted, ratified and adopted as herein set forth is in the words and figures following, to wit:

PROPOSED CHARTER OF THE CITY OF ARCADIA

We, the People of the City of Arcadia, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

ARTICLE I
INCORPORATION AND SUCCESSION

Name, boundaries

Section 100 Name and Boundaries. The City of Arcadia, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Arcadia." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Succession, rights and liabilities

Section 101. Succession, Rights and Liabilities. The City of Arcadia shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Ordinances

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 103. Continuance of Present Officers and Employees. The present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided herein and subject to the other provisions hereof Incumbents

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature. Effective date

ARTICLE II
POWERS OF CITY

Section 200. 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, or act pursuant to any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions. Powers

ARTICLE III
FORM OF GOVERNMENT

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government. "Council-Manager"

ARTICLE IV
ELECTIVE OFFICERS

Section 400. Elective Officers. The elective officers of the City shall consist of a City Council of five members and a City Clerk elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify. Council, clerk

The members of the City Council and the City Clerk in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms.

The term of each elective officer shall commence on the first Tuesday following his election. Ties among candidates for any office shall be settled by the casting of lots.

Section 401. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for at least two years immediately preceding his election or appointment, a qualified elector of the City. Eligibility

Compensation

Section 402 Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, each member shall receive the sum of twenty-five dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.

The City Clerk shall receive compensation for his services in such amount and at such stated times as shall be prescribed by ordinance adopted by the City Council, which compensation shall not be increased or diminished so as to affect the salary of an incumbent during the continuation of his current term of office.

Vacancies

Section 403. Vacancies. A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council or the City Clerk absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, or by such Clerk, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, his office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Mayor

Section 404 City Council Presiding Officer. Mayor.

(a) On the first Tuesday following any general or special municipal election at which any Councilman or Councilmen is or are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

Mayor pro tempore

(b) Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers of Council

Section 405. Powers Vested in the City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Same Limitation

Section 406. Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Regular meetings

Section 407. Regular Meetings. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Special meetings

Section 408. Special Meetings. Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally to each member at least three hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter or if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Place of meetings

Section 409. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

Quorum proceedings

Section 410. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the

Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Citizens

Section 411. Citizen Participation. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Ordinances, resolutions

Section 412 Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any

order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. Emergency

Section 413. Ordinances. Publication The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption. Publication

Section 414. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances. Codification

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 415. Ordinance. When Effective No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption: Effective date

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property

(d) An emergency ordinance adopted in the manner provided for in this Article.

Section 416 Ordinances. Violation. Penalty A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works. Violation

Publication of notices

Section 417. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Article V
City Manager

City manager

Section 500. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. In the selection of a City Manager the City Council shall screen all qualified applicants and other qualified persons known by the Council to be available. It shall appoint, by a majority vote, the person that it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, or his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

The City Manager shall engage in no other business or occupation He shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he has ceased to be a City Councilman.

Powers and duties

Section 501. City Manager. Powers and Duties. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without

limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, suspend or remove all department heads and officers of the City except elective officers and those department heads and officers the power of whose appointment is vested by the Charter in the City Council.

(b) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

(e) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it by ordinance.

(f) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City

(g) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Meetings

Section 502. City Manager. Meetings. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Manager pro tempore

Section 503. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

ARTICLE VI
OFFICERS AND EMPLOYEES

Appointive officers

Section 600 Officers to Be Appointed by the City Council. In addition to the City Manager, there shall be a City Attorney and a City Judge who shall be appointed by and serve at the pleasure of the City Council

Departments

Section 601. Administrative Departments. The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

City Attorney Powers and duties

Section 602. City Attorney. Powers and Duties. To become eligible for City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to his appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of his employment or by reason of his official capacity.

(c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

City Judge Powers and duties

Section 603. City Judge. Powers and Duties. To be eligible for appointment as City Judge, the person shall be duly licensed to practice law under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to his appointment.

The City Judge shall preside over the City Court and shall have the power and perform the duties of a magistrate. In all cases where the City Judge is disqualified or unable to act, any other City Judge or Justice of the Peace may be called in by the City Council or City Manager and act in the place of the City Judge.

City Clerk Powers and duties

Section 604 City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true rec-

ord of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Sign all lawful warrants drawn on the City Treasurer when audited and approved by the Controller or City Council, in accordance with the provisions of this Charter.

(g) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(h) Have charge of all City elections.

Controller Powers and duties

Section 605. Controller. There shall be a Controller who shall have power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates for the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(e) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(f) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

Treasurer Powers and duties

Section 606. Treasurer. There shall be a treasurer who shall have power and shall be required to:

(a) Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City

from the County, State or Federal Government, or from any Court, or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in the Charter.

(d) Prepare and submit to the Controller monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

Oaths

Section 607. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Department heads

Section 608. Department Heads. Appointment Powers. Each department head and appointive officer and the City Clerk shall have the power to appoint, suspend or remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the civil service provisions of this Charter and the rules and regulations promulgated hereunder.

Financial Interest

Section 609. Illegal Contracts Financial Interest No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Acceptance of other office

Section 610. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the City government.

Nepotism

Section 611. Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

Bonds

Section 612. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VII
APPOINTIVE BOARDS AND COMMISSIONS

General provisions

Section 700 In General There shall be the following boards and commissions which shall have the powers and duties set forth in this Charter and by ordinance consistent with this Charter:

Planning Commission.
Personnel Board.
Library Board of Trustees.
Recreation and Parks Commission.

In addition, the City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 701. Appropriations The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointments, terms

Section 702. Appointments. Terms The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council

adopted by at least three affirmative votes. The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Existing boards

Section 703. Existing Boards The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms of such duration, not exceeding four years, as will carry into effect the plan for staggered terms prescribed in the preceding section.

Meetings organization

Section 704. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action except to adjourn.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Compensation Vacancies

Section 705. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council.

Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Planning Commission

Section 706. Planning Commission. The Planning Commission shall perform such functions and duties with respect to planning, zoning and land subdivisions as may be prescribed by ordinance.

Personnel Board

Section 707. Personnel Board. The Personnel Board shall consist of five members, none of whom while a member of the Board, or for a period of one year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City.

Same Powers and Duties

Section 708. Personnel Board. Powers and Duties. The Personnel Board shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of Civil Service rules and regulations.

(b) Act in an advisory capacity to the City Council on problems concerning personnel administration.

(c) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal.

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

Library Board of Trustees

Section 709. Library Board of Trustees. Powers and Duties. The Library Board of Trustees shall have the power and duty to:

(a) Have charge of the administration of city libraries.

(b) Make and enforce such by-laws, rules and regulations as may be necessary for and make all purchases and other contracts in connection with the administration, government and protection of the city libraries; designate its own Secretary.

(c) Appoint and remove the Librarian, who shall be the department head, and pass upon and approve all proposed appointments and removals by such department head.

(d) Accept money, personal property or real estate donated to the city for library purposes, subject to the approval of the City Council.

(e) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Recreation and Parks Commission

Section 710. Recreation and Parks Commission. Powers and Duties. In the event the City Council contracts with other agencies interested in recreation and parks for the joint exercise

of any of such functions, such contract may provide for membership on the Commission of representatives of such agencies during the existence of such contract or extensions thereof

The Recreation and Parks Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to community recreation and parks.

(b) Consider the annual budget for recreation and park purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of recreation and parks programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

ARTICLE VIII
CIVIL SERVICE

Existing system

Section 800. Existing Civil Service System. To the extent that existing Civil Service ordinances and rules and regulations of the City are not in conflict with this Charter they are continued in full force and effect, and to the extent that they are in conflict they are hereby repealed.

Classified, unclassified services

Section 801. Unclassified and Classified Service The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. All elective officers.

2. City Manager, City Attorney, Controller, City Judge, City Engineer, Street Superintendent, Chief of Police, Chief of the Fire Department, Water Superintendent, one private secretary or administrative assistant to the City Manager, all department heads, excluding the Treasurer, and all employees of the library department including the Librarian.

3. All members of boards and commissions.

4. Positions in any class or grade created for a special or temporary purpose, and which would exist for a period of not longer than one hundred eighty days in any one calendar year.

5. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

Any person holding a position or employment included by this Charter in the Classified Service who, on the effective date of this Charter, shall have attained regular or probationary status under the existing Civil Service system, shall retain such status, respectively, in the Classified Service under this Charter.

If the person holding the position of City Treasurer, formerly an elective office, shall have served continuously in such position for the period of six months immediately prior to such

effective date, he shall likewise assume regular status in the Classified Service in the position of Treasurer under this Charter.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(c) There shall be a Personnel Officer, who shall be in the Classified Service and whose duties may be combined with those of any other officer or employee in the Classified Service.

Appointments from classified service

Section 802. Appointments From Classified Service Positions. In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter be removed or resign therefrom, he shall revert to his former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Recruitment

Section 803. Recruitment. Examinations of applicants for positions in the Classified Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the City of Arcadia for at least one year next preceding the date of such examination. The residential requirement may be waived by the City Manager, upon approval of the Personnel Board, as to particular examinations whenever he believes such waiver is in the public interest, but in each instance he must declare in the proceedings the reasons therefor.

Discipline

Section 804. Suspension, Demotion and Dismissal. The Boards or officers having appointive power are vested with the right to exercise the disciplinary and removal powers provided in this section.

An employee holding a position in the Classified Service shall be subject to suspension without pay for a period not exceeding thirty days in any one calendar year, or to demotion, or to removal from his position, but subject to the right of the employee, other than one serving a probationary period, to a hearing before the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished to the City Clerk for delivery to the Personnel Board. Such statement shall be furnished him within two days after his request therefor, which request must be filed within thirty days after he has been notified of such demotion, removal or suspension. He shall have ten days after receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Personnel Board to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Such answer, or request for a hearing, shall be filed in the office of the City Clerk for delivery to the Personnel Board. Hearings may be conducted informally and the rules of evidence need not apply.

The Personnel Board shall make written findings which shall state as to each charge whether or not such charge is sustained Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the Board or officer from whose action the appeal was taken, and to the City Manager and City Council.

The recommendations of the Personnel Board shall be advisory only to the board or officer having appointive power and the decision of such board or officer with respect to such recommendations shall be final and conclusive and no appeal shall be taken therefrom.

Where an appeal is taken to the Personnel Board from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Personnel Board and the board or officer having appointive power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase to an individual, at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the City service, shall likewise be a demotion.

Political activities

Section 805. Political Activities Prohibited. No person holding any position in the Classified Service or on an eligible list shall take an active part in any county or municipal political campaign in behalf of any candidates or contribute thereto, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any county or municipal office Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office Upon becoming a candidate for public office any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

No officer or employee of the City and no candidate for any City office shall solicit any assessment, subscription or contribution, whether voluntary or involuntary, for any municipal political purpose whatever, from anyone on the eligible lists or holding any position in the Classified Service.

Prohibitions

Section 806. Prohibitions. No person shall willfully or corruptly make any false statement, certificate, mark, rating or

report in regard to any application, test, certification or appointment held or made under the Civil Service provisions of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service provisions or rules and regulations made hereunder. In addition to the penalties provided for in this Charter for violations of its provisions, any person who by himself or with others willfully or corruptly violates any of the provisions of this Article shall upon conviction thereof be ineligible for a period of five years for employment in the City Service and shall immediately forfeit his office or position if he be an officer or employee of the City.

Technical aid

Section 807. Contract for Performance of Administrative Functions. The City Council may contract with the governing body of a city or county within this state, or with a state department or other public or private agency, for the preparation or conducting of competitive examinations for positions in the City service or for the performance of any other personnel administration service.

ARTICLE IX
RETIREMENT

State system

Section 900. State System Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under said Retirement System. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

Gov. C., §20000, ff

ARTICLE X
ELECTIONS

General elections

Section 1000. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year commencing with the year 1952.

Special elections

Section 1001 Special Municipal Elections All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections

Procedure

Section 1002 Procedure for Holding Elections Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of

the sixth class so far as the same are not in conflict with this Charter.

Initiative referendum, recall

Section 1003. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

ARTICLE XI
FISCAL ADMINISTRATION

Fiscal year

Section 1100. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Budget

Section 1101. Annual Budget. Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Manager In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Submission to Council

Section 1102. Budget, Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Hearing

Section 1103. Budget, Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Further consideration, adoption

Section 1104. Budget, Further Consideration and Adoption. After the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before August 31, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in

the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Appropriations

Section 1105. Budget, Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Tax limits

Section 1106. Tax Limits. (a) The City Council shall not levy a property tax, for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the State Employees Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each One Hundred Dollars of the assessed value of taxable property in the City:

1. For libraries, twenty cents.

2. For city planning, seven cents.

3. For recreation and parks, not including park maintenance, ten cents.

The proceeds of any such special levy shall be used only for the respective purposes for which it is levied.

Tax procedure

Section 1107. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Bonded debt limit

Section 1108. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Contracts exceeding $3000

Section 1109. Contracts on Public Works. Every project involving an expenditure of more than Three Thousand Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

"Cash Basis Fund"

Section 1110. Cash Basis Fund. The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund," for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such 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.

"Capital Outlays Fund"

Section 1111. Capital Outlays Funds. A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund." The City Council may create by ordinance a special fund or funds for a special capital outlay purpose The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Presentation of demands

Section 1112. Presentation of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Controller, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund Objections of the Controller may be overruled by the City Council and the warrant ordered drawn.

The Controller shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or disapprove the demand in whole or in part.

Warrants

Section 1113. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Actions against city

Section 1114. Actions Against City. No suit shall be brought on any claim for money or damages against the City or any board, or officer thereof 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 time is otherwise provided by law, all claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing by order of the City Council and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.

Independent audit

Section 1115. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Controller, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XII
BOARD OF EDUCATION

Number, term

Section 1200. Number and Term There shall be a Board of Education, the number of members of which, the manner in which, the times at which, and the terms for which they shall be elected or appointed, and the qualifications, compensation and removal of whom, shall be as now or hereafter prescribed by the Education Code of the State of California.

ARTICLE XIII
CITY COURT

City Court

Section 1300. City Court. A City Court is hereby established in the City to be presided over by the City Judge of said City. The jurisdiction of the City Court shall be the same as is now or may hereafter be provided by law for the Justice's Court, exercising jurisdiction within the City, and shall include all actions and proceedings arising within the corporate limits of the City and which might be tried in such Justice's Court.

The City Court shall have jurisdiction of all actions, both civil and criminal, for violation of this Charter or of any ordinance of the City.

The rules of practice in said City Court shall be the same as are now, or hereafter may be, prescribed by law for such Justice's Court in like cases. Appeals may be taken to the Superior Court of the County of Los Angeles, in like manner as in cases of appeals from such Justice's Court As and when the system of Justice's Courts and City Courts shall be succeeded by the new system of courts inferior to the Superior Courts as prescribed by the Constitution then this Article shall become inoperative.

ARTICLE XIV
FRANCHISES

Power to grant

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works or equipment for the furnishing thereof or traversing any portion of the City, for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or any department thereof, when furnishing any such utility or service.

Resolution of intention to grant

Section 1401. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may grant or deny the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Term of franchise

Section 1402. Term of Franchise. Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Effect of grant

Section 1403. Grant to Be in Lieu of All Other Franchises. Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all

such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter

Eminent domain

Section 1404. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Duties of grantees

Section 1405 Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley, or place, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience or safety so demands

(e) Pay the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Violation

Section 1406. Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

ARTICLE XV
MISCELLANEOUS

Definitions

Section 1500. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Arcadia, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Arcadia.

(c) "County" is the County of Los Angeles.

(d) "State" is the State of California.

Penalties

Section 1501. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Severability

Section 1502. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Arcadia and the City Council of said City, in the matter of the framing, proposal, and submission of said proposed charter for the government of the City of Arcadia, and in calling, voting upon, and canvassing the returns and declaring the result of said election.

IN WITNESS WHEREOF, We have hereunto set our hands and hereto affixed the seal of said City of Arcadia, this 1st day of May, 1951.

T. C. SULLIVAN, SR.,
Mayor of the City of Arcadia

(SEAL)

ATTEST:

R. C EWING
City Clerk of the City of Arcadia

and

WHEREAS, The said charter 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 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 members elected to each house voting therefor and concurring therein, That said charter of the City of Arcadia, 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, as and for the charter of the City of Arcadia. Approval

CHAPTER 118

Assembly Joint Resolution No. 32—Relative to memorializing Congress to take necessary action to provide a national cemetery in the vicinity of Los Angeles.

[Filed with Secretary of State May 15, 1951.]

WHEREAS, H. R. 2055 has recently been introduced before the Eighty-second Congress to provide for a national cemetery in the vicinity of Los Angeles; and National cemetery in Los Angeles area

WHEREAS, There are approximately 800,000 veterans in the Los Angeles area and there is at present no national cemetery in this area to provide a last resting place for these veterans; and

WHEREAS, The only national cemeteries in the State of California are located at San Bruno, California, approximately 500 miles from Los Angeles, and at Fort Rosecrans in San Diego, California, approximately 100 miles from Los Angeles, and these two national cemeteries are inadequate to supply interment for the numerous deceased California veterans; and

WHEREAS, The Los Angeles area with its thousands of veterans is in dire need of a national cemetery; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be respectfully memorialized to take whatever action is necessary to provide for a national cemetery in the vicinity of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 119

Assembly Concurrent Resolution No. 51—Congratulating George Mercer Stout on his forthcoming retirement from the state service.

[Filed with Secretary of State May 15, 1951.]

WHEREAS, The Members of the Legislature have learned of the announcement on April 19, 1951, that George Mercer Stout will retire as State Liquor Administrator on June 1, 1951; and Retirement of George Mercer Stout

WHEREAS, George Mercer Stout was appointed State Liquor Administrator in 1934 upon the establishment of the Liquor Control Division of the Board of Equalization and has served in that position as the only State Liquor Administrator since the days of prohibition, serving during the tenure of 15 board members; and

WHEREAS, Before his appointment as State Liquor Administrator he served as Executive Secretary of the State Veterans' Welfare Board from 1922 until 1934 during which time he aided materially in the development of the veterans' farm and home loan programs and other state veterans' assistance programs; and

WHEREAS, He served in the United States Army and California National Guard with distinction, entering the service as a private and retiring as a major; and

WHEREAS, He is a member of Sigma Chi fraternity, Masonic orders, the American Legion, the Elks, the Del Paso Country Club; and

WHEREAS, His retirement will end 29 years of distinguished state service during which time he has become nationally recognized for his skill in administration as evidenced by his election to the presidency of the National Conference of Liquor Administrators for the term 1943-1944 and by his subsequent service as the chairman of its executive committee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their congratulations and felicitations to George Mercer Stout on the occasion of his forthcoming retirement and extend to him the heartfelt gratitude of the Legislature, its members, and the people of the State of California, for his years of service; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit to George Mercer Stout a suitably engrossed copy of this resolution.

CHAPTER 120

Assembly Concurrent Resolution No. 52—Approving an amendment to the charter of the City of Santa Monica, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1951.

[Filed with Secretary of State May 15, 1951]

City of Santa Monica Charter amendment

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of Santa Monica, a municipal corporation in the County of Los Angeles, 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 CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA MONICA

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF SANTA MONICA

Certificate

We the undersigned, Russell K. Hart, Mayor of the City of Santa Monica, State of California, and Kenneth O. Grubb, City Clerk of said city, hereby do certify and declare as follows:

That the legislative body of said city, namely the City Council of said city, pursuant to Section 8, Article XI of the Constitution of the State of California, by Ordinance No. 241 (City Council Series) adopted February 27, 1951, duly proposed to the qualified electors of said City of Santa Monica one amendment to the charter of said city designated as Proposed Charter Amendment No. 1 and ordered that said amendment be submitted to said qualified electors of said city at the General Municipal Election to be held in said city on the 10th day of April, 1951, which date was stated in said ordinance as the date for holding said General Municipal Election;

That said proposed amendment was published in the Evening Outlook, the official newspaper of said city and a newspaper of general circulation therein on February 28, 1951, and in each edition thereof during said day of publication and said proposed amendment 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 beginning March 28, 1951 and until the day fixed for the election upon said proposed amendment, it was advertised in said newspaper that copies of said proposed amendment could be had upon application therefor at the Office of the City Clerk of said city;

That the City Council adopted an ordinance on February 27, 1951, being Ordinance No. 242 (City Council Series) ordering the holding of a General Municipal Election in the City of Santa Monica on the 10th day of April, 1951, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said proposed amendment, which said ordinance was signed by the Mayor of said city and was published in said Evening Outlook March 2, 1951 and March 9, 1951, in accordance with the provisions of the Charter of the City of Santa Monica;

That said General Municipal Election was held in said city on the 10th day of April, 1951, which day was not less than 40 days and not more than 60 days after said proposed charter amendment had been published once in said Evening Outlook;

That thereafter in the manner provided by law the City Council of said city duly and regularly did canvass the returns of said election on April 17, 1951, and by resolution adopted on April 17, 1951, duly did declare the results of said General Municipal Election;

That at said General Municipal Election said Proposed Charter Amendment No. 1 was ratified by a majority of the electors of said city voting thereon;

That said charter amendment so ratified by the electors of said city now is 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 in words and figures is as follows, to-wit:

"CHARTER AMENDMENT NO. 1

Appointive officers

'Section 701. Officers to Be Appointed by the City Manager. The City Manager shall appoint, and may remove, the Chief of Police, which position shall not be in the classified service.

The City Manager also shall appoint the City Controller, Personnel Director, City Treasurer, City Engineer, Street Superintendent, Building Officer, Chief of the Fire Department, Director of Recreation, Librarian and the heads of all other departments of the city, which positions shall be in the classified service.

Appointments to the position of Personnel Director, Recreation Director and Librarian shall be subject to the approval of their respective boards or commissions.

Personnel Board

'Section 1011. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state or national partisan political club or organization.

The members of the Personnel Board shall serve for a term of five years and until their respective successors are appointed and qualified. The terms of such members shall be staggered so that the term of one thereof shall expire on each succeeding July 1st. The members of such Board holding office when this amendment takes effect, shall continue in office thereafter until their respective terms of office shall expire and until their successors are appointed and qualified. The terms of the members first appointed to such board, to succeed the members whose terms expire on the respective dates indicated in column "(a)", shall expire on the respective dates indicated in the line opposite such dates in column "(b)":

(a)	(b)
July 1st, 1951	July 1st, 1956
July 1st, 1952	July 1st, 1957
July 1st, 1953	July 1st, 1958
July 1st, 1954	July 1st, 1959
July 1st, 1954	July 1st, 1955

There shall be a casting of lots to determine which of the two members to be appointed to fill the terms expiring July 1st, 1959, and July 1st, 1955, shall serve for the long and the short term. Any vacancy on the Board shall be filled by the City Council for the unexpired term.

'Section 1012. Personnel Board. Powers and Duties The Personnel Board shall have power and be required to: Same Powers and duties

(a) Approve or disapprove the appointment by the City Manager of a Personnel Director;

(b) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of civil service rules and regulations;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council, City Manager and the Personnel Director;

(d) Hear appeals of any officer or employee in the Classified Service who is suspended, demoted or removed, and report in writing to the appointing power, City Manager, and City Council, its findings, conclusions and recommendations;

(e) Periodically, at least once every two years, make a study of salaries being paid by other public and private agencies, in order to ascertain whether the salaries being paid city employees for similar work are comparable, and make recommendations with respect thereto to the City Council, City Manager and Personnel Director; and

(f) Act in an advisory capacity to the City Council and the Personnel Director on personnel administration

'Section 1102. Classified Service The Civil Service of the City shall be divided into the Unclassified and the Classified Service. Classified unclassified services

(a) The Unclassified Service shall comprise the following offices and positions:

1. Members of the City Council;
2. City Manager and the Assistant City Manager, if any;
3. City Attorney, his assistants and entire staff;
4. Chief of Police
5. City Health Officer;
6. One private secretary to each of the above-named department heads;
7. All members of boards and commissions;
8. Leader and members of any municipal band or orchestra;
9. Positions in any unskilled labor class or grade created for a special or temporary purpose and which would exist for a period not longer than thirty days. The Personnel Board, upon application of the appointing officer or board, and after public notice and hearing, by the affirmative votes of at least four of its members, may exempt any position in any unskilled labor class for such period of time as it may determine. Any such exemption shall not affect the tenure of any person whose appointment has become final under Civil Service; and

10. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character, or during times of emergency involving the public safety and so declared by the City Council, a person employed as a civil defense coordinator, or other coordinator appointed by reason of such emergency.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Efficiency ratings, promotions

'Section 1107. Efficiency Ratings and Promotions. A system of compulsory, periodic, at least annually, efficiency ratings shall be established by the Personnel Director for all employees in the Classified Service, subject to the approval of the Personnel Board.

Special rating forms shall be designed for such classifications as require them in order that the quality of performance, by each person rated, of the required functions of his positions may be accurately reflected through their use.

The City Manager shall be required to rate all department heads and officers under him and the department heads shall rate all officers and employees in their respective departments.

Promotions shall be on the basis of ascertained merit, credit and seniority in service and examination. Vacancies shall be filled by promotion upon competitive examinations unless the appointing power in particular instances believes it impractical, or not in the best interest of the public service, and the reasons therefor are submitted to and approved by the Personnel Board.' ''

That the foregoing proposed and ratified amendment to the Charter of said City of Santa Monica submitted to the electors of said city at said General Municipal Election has been compared by us and each of us with the proposed amendment set forth in said Ordinance No. 241 (City Council Series) adopted by said City 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 amendment.

IN WITNESS WHEREOF, we have set our hands hereunto and caused the seal of the City of Santa Monica to be affixed this 17th day of April, 1951.

(SEAL)

RUSSELL K. HART
Mayor
K. O. GRUBB
City Clerk

Approved as to form this 17 day of April, 1951.
ROYAL M. SORENSEN,
City Attorney

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 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 therefor and concurring therein, That said amendment to the charter of the City of Santa Monica 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 amendments to and as part of the charter of said City of Santa Monica.

CHAPTER 121

Assembly Joint Resolution No. 29—Relative to memorializing the Congress of the United States in relation to the furnishing of federal assistance, including arms, ammunition, clothing and equipment, to the California Defense and Security Corps and/or the California National Guard Reserve.

[Filed with Secretary of State May 18, 1951.]

Federal assistance to state troops

WHEREAS, Public Law 849, Eighty-first Congress, Second Session, amends Section 61 of the National Defense Act to authorize the maintenance of state troops in the absence of the National Guard while in federal service; and

WHEREAS, Public Law 849 authorizes the Secretary of the Army in his discretion and under regulations determined by him to issue for the use of state troops, upon request of the Governor, such arms, ammunition, clothing, and equipment as he deems necessary; and

WHEREAS, In view of the passage of Public Law 849, the California Legislature was not requested to provide funds for the acquisition of arms, ammunition, clothing or equipment for the California Defense and Security Corps and/or the California National Guard Reserve and state funds are not now available for such purpose, and

WHEREAS, The Governor has requested the Secretary of Defense, the Secretary of the Army, the Chief of the National Guard Bureau, Supply Division of the General Staff, the Office of the Chief of Ordnance, the Office of the Provost Marshal General, the Headquarters Army Field Forces, and all federal officials concerned to furnish to the California Defense and Security Corps and/or the California National Guard Reserve the assistance authorized by Public Law 849; and

WHEREAS, The Federal Government and the agencies and officials thereof have not acted under the authority granted in Public Law 849, and have not authorized the issue or sale to the California Defense and Security Corps and/or the California National Guard Reserve of any excess or obsolete property or equipment that may be in the control of the federal armed forces; and

WHEREAS, Until federal assistance is available to the California Defense and Security Corps and/or the California National Guard Reserve it cannot organize, train or be employed as an effective state internal security force; 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 again amend Section 61 of the National Defense Act to eliminate the provisions thereof which authorize the Secretary of the Army, in his discretion, to furnish the assistance therein described and to add thereto a provision directing and requiring the Secretary of the Army to supply such federal assistance to state troops; and be it further

Resolved, That the Legislature of the State of California further respectfully memorializes the Congress of the United States to take such further legislative action as may be necessary to assure the prompt and immediate grant to state troops of the federal assistance described in Public Law 849; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President 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 122

Assembly Concurrent Resolution No. 37—Relative to the naming of the James Lick Memorial Freeway.

[Filed with Secretary of State May 18, 1951.]

James Lick Memorial Freeway

WHEREAS, After immigrating from Pennsylvania, James Lick, in 1848, became a steadfast California pioneer citizen who thereafter by a lifelong exercise of vision and faith in California's future steadily increased his valuable properties in Los Feliz Rancho, of Santa Catalina Island, the Santa Clara Valley, and in San Francisco; and

WHEREAS, James Lick remained humble notwithstanding vast increases in his wealth, and continued sharing his good fortune in many extraordinary public philanthropies, bestowing virtually all his fortune in trusts and endowments to the

benefit of the Society of California Pioneers, the Mount Hamilton Observatory, the Lick Baths, the California School of Mechanical Arts, the San Francisco and San Jose Protestant Orphanages, the Ladies Protective and Relief Society, the Old Ladies Homes in San Jose and San Francisco, the Academy of Sciences, and the Mercantile Library; and

WHEREAS, James Lick initiated progressive educational endowments which prompted other Californians to join in the formation of the Lick-Wilmerding-Lux Schools from whence thousands of men and women inspired from sound, practical education have graduated to carry forth and add to California's economic, industrial, agricultural, scientific, educational, cultural and commercial development; and

WHEREAS, James Lick evoked loyal, patriotic gratitude for his American privileges by causing bronze monuments to be erected in honor of Francis Scott Key, and the further memorialization of pioneer Californians and events; and

WHEREAS, James Lick, in humility and simplicity, sought no personal acclaim but held thoughts only for the perpetuation of public benefits created by his well-planned bequests; and

WHEREAS, Because of the lasting philanthropies of James Lick public recognition should be appropriately given to this great American who so generously gave to thousands of California men and women the background that they now possess; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the certain portions of the freeway in the State Highway System now being and in future to be developed in the City and County of San Francisco, as specifically authorized and described in Resolutions of the California Highway Commission, adopted April 15, 1948 and February 16, 1949 to determine, locate and realign the construction of said freeway from connection points with Routes 2 and 68, respectively, and to extend therefrom in a generally southwesterly course to the northerly boundary of San Mateo County, be and is hereby named the James Lick Memorial Freeway; and be it further

Resolved, That the California Highway Commission is hereby requested and directed to establish the name of the James Lick Memorial Freeway, and to secure and place appropriate markers to indicate to the people of the State of California that said James Lick Memorial Freeway is a permanent tribute to said James Lick as a generous, distinguished and public-spirited citizen of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to send copies of this resolution to the members of the California Highway Commission and the Director of the Department of Public Works.

CHAPTER 123

Senate Joint Resolution No. 29—Relative to the American Indian.

[Filed with Secretary of State May 18, 1951]

Restrictions on American Indian

WHEREAS, The American Indian has, on numerous occasions, demonstrated his worth and value as an American citizen; and

WHEREAS, He has participated in the wars in which his Country has engaged, and has served her ably and with distinction, receiving many citations for valor and battlefield courage; and

WHEREAS, He has grown in political and civic stature and understanding so as to demonstrate by his conduct, both in war and in peace, that he is deserving of United States citizenship without any diminution, restriction, or exception whatsoever; 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 to dispense with any and all restrictions, whatever their nature, whereby the freedom of the American Indian is curtailed in any respect, whether as to governmental benefits, civil rights, or personal conduct; and be it further

Resolved, That the Secretary of the Senate be hereby 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.

CHAPTER 124

Senate Concurrent Resolution No. 42—Relating to the passing of Clyde L. Wymore.

[Filed with Secretary of State May 18, 1951]

Death of Clyde L Wymore

WHEREAS, Many persons were saddened to hear of the passing on April 1, 1951, of Clyde L. Wymore, prominent building contractor in Southern California; and

WHEREAS, Clyde L. Wymore was a veteran of World War I, member of the Veterans of Foreign Wars No. 407, and a member of the Free and Accepted Masons; and

WHEREAS, Clyde L Wymore is the father of Mrs. Linnie G. Tenney, wife of our fellow Senator, Jack B. Tenney, and of Mrs. Effie Dills, wife of Judge Ralph Dills, former Assemblyman; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That when the Legislature

adjourns today it do so out of respect to the memory of Clyde L. Wymore; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Nettie Wymore, widow; Mrs. Gertrude Goodman, Mrs. Linnie G. Tenney, Mrs. Effie Dills, and Mrs. Maxine Williams, daughters; and Glen Wymore and Wayne Wymore, sons.

CHAPTER 125

Senate Concurrent Resolution No. 71—Approving amendments to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, 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, 1951.

[Filed with Secretary of State May 18, 1951.]

City of Pacific Grove Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, 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 MONTEREY } ss.
CITY OF PACIFIC GROVE

Certificate

We, the undersigned, John S. Nelson, Mayor of the City of Pacific Grove, and John D. Irwin, City Clerk and Treasurer of said City, do hereby certify and declare as follows:

That the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants and less than fifty thousand inhabitants, and has been ever since the 22nd day of April, 1927, and is now, organized, existing, and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 9th day of April, 1927, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the 22nd day of April, 1927 (Statutes 1927, page 2329).

That pursuant to, and in accordance with, the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Pacific Grove, being the legislative body thereof, on its own motion, duly and regularly submitted two proposals for the amendment of certain sections of

Certificate

the Charter of said City, to be voted upon by the qualified electors of said City at a general municipal election held in said City on the ninth day of April, 1951, which said proposals were designated as Proposition No. 1 and Proposition No. 2, respectively.

That pursuant to resolution duly adopted by the City Council of said City of Pacific Grove, the said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Pacific Grove Tribune, a weekly newspaper of general circulation published in said City of Pacific Grove, and the official newspaper of said City, in the editions thereof published on the 16th day of February, 1951, and on the 23rd day of February, 1951, those being the days on which said paper was published in the respective weeks.

That copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Pacific Grove was published in the said Pacific Grove Tribune, a weekly newspaper of general circulation in said City, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed Charter amendments could be had upon application therefor at the office of said City Clerk until the day fixed for said general municipal election.

That the Council of the City of Pacific Grove, being the legislative body of said City, by its Resolution No. 3891, did order the submission of said proposed amendments to the Charter of said City at said general municipal election to be held on April 9, 1951, according to the terms of the Charter of said City of Pacific Grove, providing for general municipal elections, which Resolution was pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and the date of said general municipal election was at least forty days after the completion of the advertising of the proposed Charter amendments in said official newspaper of said City and was not more than sixty days after the completion of said advertising and did provide in said Resolution for the submission of the proposed amendments to the Charter of said City to the qualified electors of said City for their ratification at such general municipal election.

That thereafter said general municipal election was duly and regularly held on Monday, April 9, 1951, and the City Council of said City of Pacific Grove did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 16th day of April, 1951, by Resolution No. 3895, duly declare and certify the result of said special municipal election as determined from the canvass of the returns thereof.

That at said election a majority of the qualified electors voting on said proposal to amend the Charter of said City of Pacific Grove voted in favor thereof, and the said City Coun-

cil of said City did, by said Resolution No. 3895, find, determine and declare that the said proposed amendments to the Charter of the City of Pacific Grove, being said Propositions No. 1 and Proposition No. 2, were ratified by a majority of the qualified electors of said City voting thereon.

That said amendments to the Charter so ratified by the qualified electors of the City of Pacific Grove at said general municipal election are in words as follows, to-wit:

Pensions

Proposition No. 1. Shall Section 33 of the Charter of the City of Pacific Grove, entitled "Pensions", be changed to read as follows: "No Complete pension plan shall be set up by the city for any active or retired city official, employee, or member of the police or fire department, unless provided by an initiative ordinance adopted by the electors of the city; provided, however, that nothing herein shall prevent the officers or employees of the city from accepting the benefits of any Federal or State of California social security or old age retirement plans, whereby the city is only a contributor with the said officer or employee."

Newspaper advertising

Proposition No. 2. Shall Section 66 of the Charter of the City of Pacific Grove entitled "Newspaper Advertising and Printing" be changed to read as follows:

"Newspaper Advertising." "The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the City, for the publication of all ordinances and other legal notices required to be published The newspaper to which such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

"Contracts for advertising shall be awarded to the lowest responsible bidder."

And we further certify that we have compared the foregoing amendments with the original proposals filed and submitted to the qualified electors of the City of Pacific Grove, as aforesaid, and find that the foregoing are full, true, and exact copies thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of said City of Pacific Grove to be affixed hereto this 27th day of April, 1951.

JOHN S. NELSON
(SEAL) Mayor of the City of Pacific Grove
JOHN W. IRWIN
City Clerk of Said City

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 Pacific Grove 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 part of the charter of said City of Pacific Grove.

CHAPTER 126

Senate Joint Resolution No. 24—Relative to memorializing Congress to consider the use of California State Highway Sign Route No. 88 as an east-west traffic artery for civil and military defense in case of emergency.

[Filed with Secretary of State May 21, 1951.]

Sign Route No. 88 as east-west traffic artery

WHEREAS, The ever-increasing tempo of our national defense and military and civil preparedness plans makes vital the matter of transport over the Sierra Mountains between the West Coast and the Eastern States; and

WHEREAS, The present California state highway designated by Sign Route No. 88 is the shortest route between the Port of San Francisco and California's eastern border; and

WHEREAS, Sign Route No. 88 conveniently connects with United States Highway Route Nos. 395 and 50; and

WHEREAS, Sign Route No. 88 presents minimum difficulties in construction and maintenance, and minimum liability to sabotage or destruction by enemy action, due to the fact that it follows a ridge nearly all of its distance across the Sierras, requiring no bridges of consequence along its entire route; 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 to give serious study and consideration to the advantages of using California State Highway Sign Route No. 88 as an east-west traffic artery for civil and military defense in case of emergency; and be it further

Resolved, That the Secretary of the Senate is hereby requested 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.

CHAPTER 127

Senate Joint Resolution No. 22—Relative to memorializing Congress to consider the use of the road from Georgetown to Wentworth Springs and Chambers Lodge at Lake Tahoe

on Highway 89 as an east-west traffic artery for civil and military defense in case of emergency.

[Filed with Secretary of State May 21, 1951.]

Georgetown-Lake Tahoe road as east-west traffic artery

WHEREAS, The ever increasing tempo of our national defense and military and civil preparedness plans makes vital the matter of transport over the Sierra Mountains between the West Coast and the eastern states; and

WHEREAS, The road from Georgetown to Wentworth Springs and Chambers Lodge at Lake Tahoe on Highway 89 lies approximately midway between U. S. 40 and U. S. 50, with maximum elevation of only 6,776 feet, lower than either Donner Summit (7,135) or Echo (7,382); and

WHEREAS, Ordinary passenger cars can use all but about five miles of this entire road; and

WHEREAS, Rights of way are established practically no timber clearing would be required, and the cost of putting this road in condition for heavier vehicles would be less than for any comparable emergency route; and

WHEREAS, This road traverses the top of the divide ridge, there are no large streams to cross, no vulnerable bridges, and putting it out of commission for any length of time would be practically impossible; and

WHEREAS, The route is accessible from many other roads, including the road from Folsom to Cool and Georgetown, the road from Highway 50 at Placerville, also from Shingle Springs and Georgetown, from Highway 50 at Riverton over Ice House Cutoff, from Highway 40 at Auburn, and from several points between Roseville and Auburn, and from numerous other roads; 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 to give serious study and consideration to the advantages of using the said Georgetown-Lake Tahoe Road as an east-west traffic artery for civil and military defense in case of emergency; and be it further

Resolved, That the Secretary of the Senate is hereby requested 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.

CHAPTER 128

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sec-

tion 8 of Article VI thereof, relating to the filling of vacancies in the office of judge of the superior court.

[Filed with Secretary of State May 21, 1951.]

Constitution Amendment Sec 8 of Art VI re superior court vacancies

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its Regular Session commencing on the eighth day of January, 1951, two-thirds of all members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 8 of Article VI thereof, to read as follows:

SEC. 8 The term of office of judges of the superior courts shall be SIX years from and after the first Monday of January after the first day of January next succeeding their election. A vacancy in such office shall be filled by the election of a judge for a full term at the next general state election after the first day of January next succeeding the accrual of the vacancy; except that if the term of an incumbent, elective or appointive, is expiring at the close of the year of a general state election and a vacancy accrues after the commencement of that year and prior to the commencement of the ensuing term, the election to fill the office for the ensuing full term shall be held in the closing year of the expiring term in the same manner and with the same effect as though such vacancy had not accrued. In the event of any vacancy, the Governor shall appoint a person to hold the vacant office until the commencement of the term of the judge elected to the office as herein provided.

CHAPTER 129

Senate Concurrent Resolution No. 44—Relative to Sequoia Gigantea groves.

[Filed with Secretary of State May 21, 1951.]

Acquisition of Sequoia Gigantea groves

WHEREAS, The redwood forests of this State and their groves of big trees known as Sequoia Gigantea are unique in all the world and are among the most notable scenic assets of the State of California; and

WHEREAS, These groves include the oldest, largest and most impressive of all living things which when once cut will probably nevermore be seen by man; and

WHEREAS, The Sequoia Gigantea groves now in private ownership will be lost to future generations if they are not taken into public ownership; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Park Commission and the State Forester are requested to investigate the possibility, desirability unit and total cost of acquiring the remaining groves of Sequoia Gigantea now in private ownership, including the Dillon Tract in Tulare County, for park purposes or for

state forests that can be administered in a manner consistent with the preservation of those trees for the benefit of future generations; and be it further

Resolved, That the State Park Commission and the State Forester are requested to furnish a copy of their report to each Member of the Legislature, including therein a listing of Sequoia Gigantea groves that have heretofore been taken into public ownership showing, unit and total cost, and location; and be it further

Resolved, That the Secretary of the Senate is directed to send a copy of this resolution to the State Park Commission and the State Forester.

CHAPTER 130

Assembly Concurrent Resolution No. 59—Relative to the sixty-seventh birthday of the Honorable Harry S Truman.

[Filed with Secretary of State May 21, 1951.]

Harry S Truman Birthday

WHEREAS, This day, May 8, 1951, is the sixty-seventh anniversary of the birth of the Honorable Harry S Truman, the President of the United States; and

WHEREAS, He was born in the town of Lamar in the State of Missouri, spent most of his childhood in the community of Independence, and distinguished himself as a captain in the field artillery in World War I; and

WHEREAS, He continued his outstanding career with service as a county official and as United States Senator from the State of Missouri, an office to which he was chosen in 1934 and re-elected in 1940; and

WHEREAS, He performed his duties as United States Senator diligently and resourcefully and contributed an outstanding service to his Country in World War II as Chairman of the Senate Special Committee to Investigate the National Defense Program; and

WHEREAS, Because of his success as a United States Senator, he was elected Vice President of the United States and upon the death of Franklin D. Roosevelt on April 12, 1945, became President, being re-elected to this high office in November, 1948; and

WHEREAS, The Honorable Harry S Truman was an active sponsor of the United States Conference on International Organization at San Francisco, which was designed to draft a charter to insure all nations against war; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby heartily congratulate the President of the United States on the attainment of his sixty-seventh birthday; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to forward a suitably prepared copy of this resolution to the Honorable Harry S Truman, at the White House in Washington, D. C.

CHAPTER 131

Senate Joint Resolution No. 33—Relative to foot-and-mouth disease.

[Filed with Secretary of State May 22, 1951]

Study of foot-and-mouth disease

WHEREAS, Recent press information announces a most favorable status in the suppression of foot-and-mouth disease in Mexico; and

WHEREAS, History of this disease in the United States reveals that nine outbreaks in the United States, of which two were in California (1924 and 1929) were successfully eradicated but not without disastrous effects to our agricultural economy due to restrictive embargoes; and

WHEREAS, This disease diagnosed in Mexico in December, 1946, has, by joint operation of the Mexican and United States Governments, involved the expenditure of some one hundred eighty million dollars ($180,000,000) due to the sacrificing of approximately 1,000,000 food-producing animals and the vaccination of 17,000,000 susceptible animals four times; and

WHEREAS, Although inspection had revealed no active infection for the period of one year (December, 1949, to December, 1950), in December, 1950, an outbreak occurred, indicating the necessity for careful inspection over a long period of time following known infections before accurate determination can be made that the disease has been eliminated; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Secretary of Agriculture of the United States be and he is hereby urged to continue a painstaking and thorough study in cooperation with Mexican authorities, by the best experts available, even though the campaign appears to have been entirely successful, before making declaration that the border between the United States and Mexico be opened to the admittance of any animals which are susceptible to foot-and-mouth disease; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Secretary of Agriculture of the United States and to each Senator and Representative in the Congress of the United States from California.

CHAPTER 132

Senate Concurrent Resolution No. 73—Relative to expressing regret at the passing of John F. Dalton.

[Filed with Secretary of State May 22, 1951]

Death of John F. Dalton

WHEREAS, On May 12, 1951, a long and active career in fields of public service came to a close with the death of John F. Dalton in San Francisco; and

WHEREAS, John F. Dalton had been Labor Commissioner for the State of California for eight years, in which time he had commended himself to those with whom he worked in the varied and intricate problems of that important office; and

WHEREAS, He was one of the many persons born in New York, who contributed to the later development of the West, having served with distinction as a member of the Los Angeles City Board of Education, and in other civic posts; and

WHEREAS, He was a man of great respect and following among organized labor, and prior to his becoming Labor Commissioner, having been President of the Los Angeles Typographical Union, and President of the California State Federation of Labor for three terms; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature extend their sincere condolences to the family of John F. Dalton; and be it further

Resolved, That the Secretary of the Senate transmit suitably engrossed copies of this resolution to the family of John F. Dalton.

CHAPTER 133

Senate Concurrent Resolution No. 67—Relative to scarcity of skilled milkers.

[Filed with Secretary of State May 22, 1951.]

Deferment of skilled milkers

WHEREAS, A recent survey by the Farm Placement Service of the State Department of Employment has shown the existence of a general scarcity of skilled milkers; and

WHEREAS, Approximately 20 percent of those engaging in this type of work are of draft age; and

WHEREAS, During the past year applications for milker jobs through official placement services have fallen off over 50 percent, indicating that the replacements for those skilled milkers being taken into the armed services or finding employment in defense industries are becoming more difficult to find; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of the State Selective Service System be requested to notify local draft boards that primary consideration be given to the classification of persons engaged in agricultural production and particularly employed on dairy farms from the viewpoint of the necessity for their retention in food production work; and that like consideration be given to the availability of the agricultural worker supply for replacements in such employments; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby, requested to transmit copies of this resolution to the Governor and to the Director of the State Selective Service System.

CHAPTER 134

Senate Concurrent Resolution No. 57—Relative to the construction of the Buchanan Dam and Reservoir on Chowchilla River.

[Filed with Secretary of State May 22, 1951.]

Federal appropriation for Buchanan Dam and Reservoir

WHEREAS, In 1949, the Chief of Engineers of the United States Army recommended to Congress, the construction of the Buchanan Dam and Reservoir on Chowchilla River; and

WHEREAS, The proposed 153 foot high concrete-slab, buttress-type dam would provide a reservoir with a maximum flood control reservation of 60,000 acre-feet with a total storage capacity of 70,000 acre-feet; and

WHEREAS, Prior to 1950, it was estimated that the dam and reservoir, payable during a period of 50 years, would cost three hundred thirty-three thousand one hundred dollars ($333,100) annually, while annual benefits were estimated at three hundred forty-one thousand dollars ($341,000), with one hundred nine thousand dollars ($109,000) as flood control benefits and two hundred thirty-two thousand dollars ($232,000) as irrigation benefits; and

WHEREAS, Floods in November and December of 1950, which inundated 8,000 acres of land and caused three hundred fifty-seven thousand dollars ($357,000) in damage in and adjacent to the town of Chowchilla, indicate that the estimated flood control benefits would be greatly increased and the benefit-cost ratio consequently far more favorable than estimated when the work was recommended to Congress; and

WHEREAS, Due to irrigation practices below the proposed reservoir, much of the flood storage upon release could be beneficially used as winter irrigation or as replenishment for underground storage along the Chowchilla River; and

WHEREAS, The increased danger of disastrous floods in this area clearly demonstrates that Buchanan Dam and Reservoir must be constructed at the earliest possible time; and

WHEREAS, The State Water Resources Board is sending its chairman to appear before the Deficiencies and Army Civil Functions subcommittees of the Appropriations Committee of the House of Representatives on May 3d, to represent this State with respect to appropriations for flood control measures; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Water Resources Board is requested to instruct its chairman to urge Congress to appropriate money for the construction of Buchanan Dam and Reservoir on the Chowchilla River at the earliest possible time; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the State Water Resources Board.

CHAPTER 135

Senate Concurrent Resolution No. 48—Relative to Central Valley Project investigation and studies.

[Filed with Secretary of State May 22, 1951.]

Report on Central Valley Project studies

WHEREAS, The planning, construction, operation, and management of the Central Valley Project as a part of the State Water Plan have been, and continue to be, subjects of vital interest and concern to this Legislature; and

WHEREAS, In 1944 the Joint Committee on Water Problems recommended an investigation of the feasibility of bringing about closer cooperation between the Water Project Authority and the United States Bureau of Reclamation which is constructing the Central Valley Project, and further recommended that the Water Project Authority "make such study as is practicable on the future ownership and operation of the project by the State," the results of such investigation and study to be submitted to the Legislature from time to time; and

WHEREAS, The Water Project Authority did undertake the investigation and study in accordance with the recommendations and carried them forward vigorously until a lack of personnel caused the studies to be suspended in 1946; and

WHEREAS, It was the declared intention of the Water Project Authority to complete the studies as soon as additional personnel became available; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Water Project Authority is requested to report to the Legislature on the status of the investigation and studies not later than June 15, 1951, and that the Water Project Authority is further requested to furnish to the Legislature, not later than March 1, 1952, a review of all pertinent cost and repayment data prepared in connection with the studies, together with a report on the legal and financial feasibility of the State assuming ownership and operation of the Central Valley Project; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Chairman of the Water Project Authority.

CHAPTER 136

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1a of Article XIII thereof, relating to the taxation of property of educational institutions of collegiate grade.

[Filed with Secretary of State May 22, 1951.]

Constitution Amendment Sec 1a of Art XIII, re college tax exemption

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds

of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1a of Article XIII thereof, to read:

SEC. 1a. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding 100 acres in area, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March, 1950, if the same is intended when completed to be used exclusively for the purposes of education.

CHAPTER 137

Senate Concurrent Resolution No. 75—Relating to Henry H. Benedict.

[Filed with Secretary of State May 22, 1951.]

Henry H Benedict

WHEREAS, The stature of an institution is the handiwork of the men whose task it is to build its physical assets and to champion the principles which govern and justify its existence; and

WHEREAS, Henry H. Benedict has given 45 years of devoted service to the University of California, which has contributed to the successful growth and sound economic welfare of that institution; and

WHEREAS, Born near Oshkosh, Wisconsin, on June 5, 1884, and spending his early days in the Midwest, Henry H. Benedict came to California where he began his education in his chosen field of bookkeeping and accounting; and

WHEREAS, In 1906 he came to the University of California as a bookkeeper, and as the university grew he assumed positions of responsibility, acting for 10 years as assistant accountant, for 19 years as chief accountant, for one year as Superintendent of Accounts, for four years as Assistant to the Comptroller in charge of University Insurance and the Pension and Retiring Annuities Systems, and for the past nine years as Manager of the Insurance and Retirement System; and

WHEREAS, He met the challenge provoked by the phenomenal growth of the university, by developing and establishing new methods of accounting procedure in keeping with the many and divergent activities of the university; and

WHEREAS, Election of Henry H. Benedict in 1950 as President of the Board of Administration of the State Employees' Retirement System, was a justified recognition of his important role in the development of the State Employees' Retirement

System during the period he served as the university's representative on the board; and

WHEREAS, He was one of three college business officers who founded the Western Association of College and University Business Officers; and

WHEREAS, The ability of Henry H. Benedict in the field of business and accounting has been recognized beyond the gratitude and respect which the university holds for him, in the professional fields of insurance and accounting, and his writings in his chosen field have attracted the attention of professional businessmen; and

WHEREAS, Henry H. Benedict is now retiring as Manager of the Insurance and Retirement Systems for the University of California, and after his 45 years of devoted service his retirement should be duly noted with appreciation for his contribution to the University of California by this Legislature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That this Legislature congratulates Henry H. Benedict upon his retirement as Manager of the Insurance and Retirement Systems for the University of California, and extends to him best wishes for a full, and happy life blessed with continued good health; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Henry H. Benedict.

CHAPTER 138

Assembly Joint Resolution No. 33—Relating to the completion of the San Diego Aqueduct.

[Filed with Secretary of State May 23, 1951]

Completion of San Diego Aqueduct

WHEREAS, During World War II the U. S. Navy under congressional authorization constructed an aqueduct connecting the San Diego County metropolitan area with the Colorado River Aqueduct of the Metropolitan Water District of Southern California in order that military and defense installations in San Diego County might be supplied with water, portions of such aqueduct being constructed of sufficient capacity to transport the area's entitlement from the Metropolitan Water District, but most of which was of only one-half of such capacity; and

WHEREAS, The personnel and employees of military and defense establishments in the San Diego area have been greatly increased in number, and the result of this greatly increased demand, coupled with unexpected and unprecedented lack of rainfall from which exhausted local supplies might otherwise have been replenished, have so reduced the water available as to require the adoption of a water conservation program and to threaten enforced water rationing; and

WHEREAS, The completion of the San Diego Aqueduct to full capacity as provided in the original plans is the only means by which a firm supply of water in an amount adequate for present requirements can be assured, and this requires the construction of a second barrel to the existing works within the present rights of way belonging to the Federal Government as a continuation of the original project built through the instrumentality of the Navy; 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 to authorize the completion of the San Diego Aqueduct by the Navy under a contract by the terms of which its cost would be fully repaid to the government by the San Diego County Water Authority; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 139

Assembly Concurrent Resolution No. 57—Relative to congratulating the University of San Francisco for establishment of a compulsory course in the evils of Communism.

[Filed with Secretary of State May 23, 1951.]

University of San Francisco course in Communism

WHEREAS, The Very Reverend William J. Dunne, S.J., President of the University of San Francisco, has just announced the establishment of a compulsory course in Communism at the University; and

WHEREAS, That course, which will be the first of its kind instituted at any university in the United States, was organized for the purpose of learning the facts concerning Communism in order that such knowledge may be used to track down and fight Communism here and all over the world; and

WHEREAS, The students required to take that course will study the operations of groups avowedly and openly following Soviet policies and organizations labeled as subversive by the Attorney General, such as the California Labor School, the American Russian Institute, the Palo Alto Peace Appeal, and the Communist Far Eastern Political Policy Organization; and

WHEREAS, The instructors who will give that course have been carefully selected, have demonstrated their faith in the American way of life and their ability to expose the true nature of Communism, and are admirably suited for instilling in their students a belief in the American way of life and an understanding of the vices inherent in the Communist doctrine; 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 congratulates the University of San Francisco and commends the Very Reverend William J. Dunne, S J., President of the University, for the establishment of a course in Communism which will serve to fully acquaint the students at that university with the vices of the Communist doctrine and equip them to carry out their duties as citizens of the United States and of this State by fighting said doctrine in the most effective manner.

CHAPTER 140

Assembly Concurrent Resolution No. 61—Approving amendments to the charter of the City of Redondo Beach, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the tenth day of April, 1951.

[Filed with Secretary of State May 23, 1951]

City of Redondo Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Redondo Beach, a municipal corporation in the County of Los Angeles, 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 PROCEEDINGS HAD AND TAKEN BY THE CITY OF REDONDO BEACH, A MUNICIPAL CORPORATION IN LOS ANGELES COUNTY, CALIFORNIA, IN APPROVING AND RATIFYING AMENDMENTS TO THE CHARTER OF SAID CITY (STATUTES OF 1949, Res ch 34.)

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF REDONDO BEACH }

Certificate

We, the undersigned, J. Russell Shea, Mayor of the City of Redondo Beach, and Fred M. Arnold, the City Clerk of said city, do hereby certify and declare as follows:

The City of Redondo Beach, County of Los Angeles, State of California, is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, and has ever since the year 1949, 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 municipal election held for that purpose on the 4th day of January, 1949, 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 21st day of January, 1949. (Statutes 1949, Res ch 34)

The legislative body having authority of said City being a council thereof, did on its own motion, and by Ordinance No 1267 adopted on the 13th day of February, 1951, duly propose to the qualified electors of said City of Redondo Beach, certain amendments to Article XV of the charter of said city, which amendments are hereinafter set forth

The said City Council did by ordinance duly passed and adopted on the 13th day of February, 1951 proclaim and fix the 10th day of April, 1951, the date of the General Municipal Election to be held in said City of Redondo Beach, as the date on which the said amendments so proposed be submitted to, and voted on by the qualified electors of said City of Redondo Beach.

The said proposed amendments were published on the 15th day of February, 1951 in the Redondo Reflex, a newspaper of general circulation printed and published in the City of Redondo Beach, the official newspaper of the city.

The said General Municipal Election held on April 10, 1951 was not less than forty and not more than sixty days after the completion of the advertising in said newspaper. At said election the said proposed charter amendments were voted upon by the qualified electors of the City of Redondo Beach. A majority of the qualified electors voting thereon voted in favor of and did ratify the said proposed charter amendments.

That thereafter the City Council of said City of Redondo Beach, County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendments to said City Charter of the City of Redondo Beach were and are approved by the electors of said City of Redondo Beach, and ratified by the qualified voters voting thereon.

That said Charter amendments so ratified by the qualified voters of the City of Redondo Beach at said election are in words and figures as follows:

"PROPOSED AMENDMENT TO SECTION 15.7 OF ARTICLE XV OF THE CITY CHARTER.

Article XV

Membership eligibility

Section 15.7. Membership Eligibility. Any qualified elector of the City of Redondo Beach may be appointed in the manner hereinabove specified to any of its boards or commissions."

"PROPOSED AMENDMENT TO SECTIONS 15, 15.12, 15.13, AND THE REPEAL OF SECTIONS 15.19 AND 15.20 OF ARTICLE XV OF THE CITY CHARTER OF REDONDO BEACH.

Article XV Appointive Boards and Commissions

Names

Section 15 Names. The following enumerated boards and commissions are hereby created and shall have the powers and duties hereinafter set forth under their respective divisions:

(a) Planning Commission

(b) Recreation and Parks Commission.

(c) Library Commission.

(d) Taxation and Budget Commission.

(e) Public Improvement Commission.

In addition, the City Council may create by ordinance such advisory boards and commissions as in its judgment may be required to promote the interests of the City of Redondo Beach and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Recreation and Parks Commission

Section 15.12. Recreation and Parks Commission. The Recreation and Parks Commission shall consist of ten (10) members.

Same

Section 15.13. The Recreation and Parks Commission shall:

(a) Act as advisers to the City Council in all matters pertaining to public recreation, including playgrounds and entertainment;

(b) Prepare, with the assistance of the Director of Recreation, an annual estimate for budget purposes of the funds necessary to carry on an adequate recreational program in the City and submit such estimate to the City Manager;

(c) To assist in every way in the development of recreation in the City of Redondo Beach, stimulate public interest in such recreation program and to cooperate with the schools located in the City of Redondo Beach, and all other agencies relative to securing and developing a full and complete recreational program;

(d) To plan a program for the development, extension, improvement and maintenance of park facilities in the City of Redondo Beach;

(e) In addition thereto, said Commission shall exercise such powers and duties as may be assigned and allocated to it by virtue of any orders of the City Council or by any ordinance of the City of Redondo Beach.

That said City Charter be amended by repealing Sections 15.19 and 15.20 fixing the number of members of the Parks Commission and the duties of the Parks Commission."

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Redondo Beach to be affixed this 7th day of May, 1951.

(SEAL)

J. RUSSELL SHEA
Mayor of the City of Redondo Beach
FRED M. ARNOLD
City Clerk of the City of Redondo Beach

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 Assembly of the State of California, the Senate 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 Redondo Beach 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 part of the charter of said City of Redondo Beach.

CHAPTER 141

Senate Joint Resolution No. 32—Relative to the supply of sulphuric acid for fertilizers.

[Filed with Secretary of State May 24, 1951.]

Allocation of acid for fertilizers

WHEREAS, The amount of sulphuric acid which is now available for producing superphosphate and sulphate of ammonia is critically short of the minimum amount needed to meet the demand for agricultural fertilizers; and

WHEREAS, The fertilizer manufacturing plants are now operating at approximately 50 percent of their capacity on account of the shortage of sulphuric acid, with the result that the minimum needs of agriculture cannot be met; and

WHEREAS, The proper use of fertilizers will increase the productivity of the soil by as much as 25 percent, and if a sufficient supply of fertilizer is not available, the production of agricultural products in this State will necessarily be reduced, to the detriment of the people of the State as a whole; and

WHEREAS, The continued production of California food and fiber in the fullest amount possible is essential in the present national emergency; and

WHEREAS, A new allocation of materials essential to the defense effort will be formulated to take effect on June 1st; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the federal officers and agencies in charge of the allocation of materials are respectfully requested to take into consideration the needs of California agriculture and to allocate for fertilizer purposes the maximum amount which may be made available therefor, in order that the agricultural production of the State of California will not be decreased in the present emergency; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to Mr. Joseph Bates, Director, Chemical Division, National Production Authority, Washington, D. C.; to Mr. Louis G. Porter, Chief of Fertilizer Staff, Office of Materials and Facilities, Production and Marketing Administration, Washington, D. C.; and to each Senator and Representative in the Congress of the United States from California.

CHAPTER 142

Senate Concurrent Resolution No. 62—Relative to reports of the annual conventions of the American Legion.

[Filed with Secretary of State May 28, 1951.]

Publication of American Legion sessions

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the annual conventions of the American Legion for the years 1951 and 1952, respectively, together with illustrations, copies of general orders and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 143

Senate Concurrent Resolution No. 63—Relative to reports of the department encampments and the annual encampments or conventions of the United Spanish-American War Veterans.

[Filed with Secretary of State May 28, 1951.]

Publication of reports of United Spanish-American War Veterans

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the department conventions or encampments of California of the United Spanish-American War Veterans for the years 1951 and 1952, respectively, together with illustrations, copies of general orders of the department and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 144

Senate Concurrent Resolution No. 64—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

[Filed with Secretary of State May 28, 1951.]

Publication of report of Disabled American Veterans

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual convention of the Disabled American Veterans of the Department of California during the years 1951 and 1952, together with illustrations, copies of the general orders enacted at such convention and the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of same to be payable from the legislative printing appropriation.

CHAPTER 145

Senate Concurrent Resolution No. 65—Relative to reports of the annual conventions of the American Veterans of World War II (AMVETS).

[Filed with Secretary of State May 28, 1951.]

Publication of reports of AMVETS

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the annual conventions of the American Veterans of World War II (AMVETS) for the years 1951 and 1952, respectively, together with illustrations, copies of general orders and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 146

Senate Concurrent Resolution No. 66—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

[Filed with Secretary of State May 28, 1951.]

Publication of reports of Veterans of Foreign Wars

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the report of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California during the years 1951 and 1952, together with any illustrations, copies of the general orders enacted at such conventions, and of the official roll call, 150 copies for the use of the Senate, and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 147

Senate Joint Resolution No. 8—Relative to requesting the Congress of the United States to propose an amendment to the Constitution.

[Filed with Secretary of State May 29, 1951]

U. S. Constitution Amendment re treaties and executive agreements

WHEREAS, The decisions of the Supreme Court of the United States and of certain state courts have caused uncertainty in the minds of lawyers and of the public generally concerning the effect of treaties and executive agreements on our Federal and State Constitutions and laws; and

WHEREAS, Such uncertainty should immediately be clarified; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be and it is hereby petitioned and urged to immediately submit to the several states an amendment to the Constitution of the United States and the following form of said amendment is hereby suggested, to wit:

1. The representative form of Federal Government, consisting of the Congress, the Executive, and the Judiciary, the sovereignty of the governments of the several states, the express limitations on the powers of Congress, the guarantees of individual liberties, and the independence of the federal judiciary, contained and guaranteed in and by this Constitution and in particular the first 10 amendments thereto, shall not be abolished nor altered by any treaty or executive agreement.

2. The power of the Senate to ratify treaties shall be exercised only by two-thirds of the entire membership of the Senate and not by two-thirds only of the members present.

3. The Supreme Court shall have original and exclusive jurisdiction of all actions or proceedings brought on behalf of the United States or on behalf of a state involving the validity of any treaty or executive agreement; and be it further

Resolved, That the Secretary of the Senate be hereby 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.

CHAPTER 148

Assembly Concurrent Resolution No. 53—Relative to merit awards to state employees.

[Filed with Secretary of State May 29, 1951]

Additional merit awards

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred dollars ($100) when such awards are approved by a concurrent resolution of the Legislature; and,

WHEREAS, The maximum award of one hundred dollars ($100) already has been made to Arthur Bloom, Associate Architectural Draftsman, Department of Public Works, for a suggestion which will effect a saving of between five thousand dollars ($5,000) and ten thousand dollars ($10,000) annually, and which suggestion has been adopted by said agency; and,

WHEREAS, The maximum award of one hundred dollars ($100) already has been divided equally between Julius Ban, Senior Architectural Draftsman, and Stanley B. Collins, Associate Architectural Draftsman, Department of Public Works, for their suggestion which will result in a saving of three thousand four hundred fifty dollars ($3,450) annually, and which suggestion has been adopted by said agency; and,

WHEREAS, The State Merit Award Board has recommended that 10 percent of the first year's savings be the basis for awards to be made to state employees who submit suggestions which are adopted; and,

WHEREAS, The State Board of Control at its meeting on April 17, 1951, subject to concurrence by the Legislature, approved an additional award of four hundred dollars ($400) to Arthur Bloom, Associate Architectural Draftsman, Department of Public Works, for his suggestion, and an additional award of one hundred twenty-two dollars and fifty cents ($122.50) each to Julius Ban, Senior Architectural Draftsman, and Stanley B. Collins, Associate Architectural Draftsman, Department of Public Works; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the additional awards made by the State Board of Control to Arthur Bloom, Associate Architectural Draftsman, Julius Ban, Senior Architectural Draftsman, and Stanley B. Collins, Associate Architectural Draftsman, Department of Public Works, are hereby approved; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and to the State Controller.

CHAPTER 149

Senate Joint Resolution No. 23—Relative to memorializing the President and the Congress of the United States to declare Napa County, State of California, a critical defense area for the purpose of obtaining financing of construction.

[Filed with Secretary of State May 29, 1951.]

Napa County Declaration of critical defense area

WHEREAS, Numerous military and naval installations are located near Napa County in the State of California, including the Travis Air Force Base, the Benicia Arsenal, the Overseas Radio Station at Dixon, and those at Mare Island; and

WHEREAS, The mounting defense activities of the Nation have already caused and will continue to occasion a vast expansion in the activities of these installations; and

WHEREAS, As a concomitant of such expansion, a serious shortage of housing for the military, naval and civilian personnel required at these installations has developed; and

WHEREAS, Building materials and supplies are critically short of supply for schools, homes, churches, and hospitals in said county; and

WHEREAS, This situation cannot be rectified without the assistance of the Federal Government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States are hereby memorialized to declare that an acute housing shortage exists in the County of Napa, State of California, which impedes the national defense activities and which cannot be alleviated without federal assistance; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the Senators and Representatives in Congress from the State of California, and to the Federal Housing and Home Finance Administrator.

CHAPTER 150

Senate Joint Resolution No. 31—Relating to the National Forest Highway System in California.

[Filed with Secretary of State May 29, 1951.]

Federal appropriation for National Forest Highway System

WHEREAS, There is at present within the national forest of the State of California a stand of timber totaling about 55,000,000,000 board feet measure which could with proper road development greatly contribute to the Nation's defense program; and

WHEREAS, The National Forest Highway System in California includes many of the main access highways necessary for the full development of the public timber and other valuable resources; and

WHEREAS, It is estimated that the cost of overcoming the critical deficiencies in the Forest Highway System in California will be in excess of fourteen million dollars ($14,000,000) a year for the next 10-year period; and

WHEREAS, The apportionments for the Forest Highway System in California from Section 23 of the Federal Highway Act of November 9, 1921, as amended and supplemented, has averaged less than three million dollars ($3,000,000) a year; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully memorialized to take such action as may be necessary to increase the appropriations for forest highways under Section 23 of the Federal Highway Act of November 9, 1921, as amended and supplemented, by the amount necessary to allow an annual apportionment of fourteen million dollars ($14,000,000) a year for forest highways in the State of California, commencing with the fiscal year beginning on July 1, 1951, and terminating with the fiscal year ending July 30, 1961; and be it further

Resolved, That the Secretary of the Senate be hereby 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.

CHAPTER 151

Assembly Concurrent Resolution No 70—Rejecting a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State May 31, 1951]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the President of the Council of the City of Burbank and the City Clerk of said City, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108). Certificate

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the

returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 11 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 11 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 11

Section 33 of the Charter of the City of Burbank is hereby amended to read as follows:

"PUBLIC SERVICE DEPARTMENT

Public Service Department

"Section 33. There shall be a Public Service Department, which shall have control of the construction, operation and maintenance of all public utilities now or hereafter owned or operated by the City. There shall be a superintendent of this department appointed by the City Manager.

"The Council shall annually cause to be paid the Metropolitan Water District tax out of funds derived from Public Service Department operations. The Council may, in any year, pay only a portion of said tax out of said funds or wholly waive the use of said funds for such tax if, in its opinion, such waiver is necessary to insure the sound financial position of the Public Service Department and shall so declare by resolution.

"The Council, annually, may cause to be transferred to the general fund of the City a sum not to exceed five per cent (5%) of the gross revenues of the Public Service Department for each fiscal year.

"The Public Service Department shall control the generation, purchase, distribution and sale of electric energy, water, gas and any other utility owned, operated, or distributed by the City and subject to the approval of the Council may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

"All funds of the Public Service Department shall be deposited in the City Treasury to the credit of that Department and, except as herein otherwise provided, shall be used only for the operation and maintenance of said Department."

That the foregoing Charter Amendment No. 11 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 11 as ratified as hereinbefore 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 amendment or alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Rejection

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 11 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby rejected as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 152

Assembly Joint Resolution No. 35—Relative to tariffs on wine.

[Filed with Secretary of State June 1, 1951]

Tariff protection of wine

WHEREAS, Decreased tariffs upon wine imports provided for in 1948 and 1949 have already adversely affected the domestic wine industry; and

WHEREAS, The industry finds it difficult to compete with foreign wines from the standpoint of price, irrespective of tariffs, since such foreign wines are produced by cheap labor and benefit from low transportation rates; and

WHEREAS, The industry furnishes much revenue to the Nation through taxes, making it in the public interest to keep the industry active and solvent; and

WHEREAS, The Congress of the United States has before it for consideration H R 1612 which, in the form approved by the Senate Finance Committee, contains provisions to strengthen procedures by which tariff protection can be restored for American industries which have been damaged by loss of markets resulting from past tariff reductions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to prevent further lowering of the tariffs upon foreign wines and to provide, by legislation, means whereby adequate tariff protection can be restored for the wines of the United States; and be it further

Resolved, That the Congress of the United States be memorialized to enact H. R. 1612 in the form approved by the Senate Finance Committee; and be it further

Resolved, That the Chief Clerk of the Assembly 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.

CHAPTER 153

Assembly Concurrent Resolution No. 71—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held thereon on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108). Certificate

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No 6761 adopted on the 9th day of April, 1951, duly declare the result of said

General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 1 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 1 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

Section 4 of the Charter of the City of Burbank is hereby amended to read as follows:

"OFFICERS AND EMPLOYEES

Officers and employees

"Section 4. (a) The officers of the City of Burbank shall be those hereinafter provided for in this Charter. The Council may by ordinance provide for such additional boards, commissions, officers, assistants, deputies, clerks, and employees as they deem necessary and fix their respective powers, duties and compensation Elective officers shall be the members of the Council, the City Treasurer, and the City Clerk, who shall be elected from the City at large, and shall hold office for four (4) years or until their successors are elected and qualified. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the City Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided. Where the power to appoint is vested in the Council, a three-fifths ($\frac{3}{5}$) vote of the Council members shall be required to effect an appointment or removal.

(b) All officers, assistants, deputies, and clerks of the City and of the various departments thereof, and all employees except such as may be employed for temporary and special purposes, must be citizens of the United States of America and residents of the City of Burbank, California, during their respective periods of employment, except as herein otherwise provided."

That the foregoing Charter Amendment No. 1 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 1 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 1 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alterations, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 154

Assembly Concurrent Resolution No. 72—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk

Certificate

and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the comple-

tion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 3 was ratified by a majority of the qualified electors of said city voting thereon:

That the said Charter Amendment No. 3 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 3

The first sentence of Section 6 of the Charter of the City of Burbank is hereby amended to read as follows:

Council meetings

The Council shall meet at ten o'clock, A. M. on the first day of May following each general municipal election, or if such day be a Sunday or holiday, then upon the next regular working day.

That the foregoing Charter Amendment No. 3 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 3 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 3 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 155

Assembly Concurrent Resolution No. 73—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed

with the Secretary of State on the 19th day of January, 1927. Certificate (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761, at said General Municipal Election said proposed

amendment to the Charter of the City of Burbank designated Charter Amendment No 4 was ratified by a majority of the qualified electors of said city voting thereon:

That the said Charter Amendment No. 4 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 4

Section 10 of the Charter of the City of Burbank is hereby amended to read as follows:

"CITY MANAGER

City Manager

Section 10 (a) There shall be a City Manager appointed by the Council who shall be the administrative head of the City government. He shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or the state, but during his tenure of office he shall reside within the city.

(b) The City Manager shall be the head of the administrative branch of the city government. He shall be responsible to the Council for the proper administration of all affairs of the City, and to that end subject to the civil service provisions of this Charter and laws and regulations pursuant thereto, he shall have power and shall be required to:

1. Devote his entire time to the interest of the City;

2. Attend all meetings of the Council unless excused therefrom by the Council or the Mayor, but shall not have a vote therein;

3. Appoint and, when necessary for the good of the service, remove all officers and employees of the City except elected officers and other officers appointed by the Council, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;

4 Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption by the council;

5. Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

6. Keep the Council advised of the financial conditions and future needs of the City and make such recommendations as may seem to be desirable for the consideration and action of the Council; and

7. Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

(c) In case of the absence of the City Manager from the City, or of his temporary disability to act as such, the Council shall appoint a City Manager pro tem, who shall possess the

powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro tem shall have no authority to appoint or remove any City officer or employee except with the unanimous formal approval of all of the Council."

That the foregoing Charter Amendment No. 4 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No 4 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 4 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 156

Assembly Concurrent Resolution No. 74—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to

the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law. Certificate

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April, 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 5 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 5 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

Charter Amendment No. 5

Section 11 of the Charter of the City of Burbank is hereby amended to read as follows:

"City Attorney

Section 11. (a) There shall be a City Attorney appointed by the Council who shall devote his entire time to the duties of this office and shall not engage in the private practice of law. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this state, and one who has been in actual practice in the state for at least five years next preceding his appointment. The City Attorney shall be the legal adviser of the Council and all other City officials. He shall attend all Council meetings unless excused therefrom by the Council or City Attorney

the Mayor. He shall draft all ordinances, contracts, or other legal documents, or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require.

(b) The City Attorney shall receive a salary to be fixed by ordinance. The Council shall have the power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party, or in which it is interested, and may employ special counsel to assist the City Attorney therein and provide for the compensation of and pay such counsel."

That the foregoing Charter Amendment No. 5 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 5 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 5 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 157

Assembly Concurrent Resolution No. 75—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

Certificate

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification:

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 6 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 6 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 6

The first sentence of Section 12 of the Charter of the City of Burbank is hereby amended to read as follows:

"CITY CLERK AND EX-OFFICIO ASSESSOR

There shall be a City Clerk who shall be ex-officio Assessor of the City, and Clerk of the Council and of the Board of Equalization." City clerk and ex-officio assessor

That the foregoing Charter Amendment No. 6 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 6 as ratified as hereinbefore 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 amendment or 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 the aforementioned Charter Amendment No. 6 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank. Approval

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CHAPTER 158

Assembly Concurrent Resolution No. 76—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951

[Filed with Secretary of State June 4, 1951]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to City of Burbank Charter amendment

the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law. Certificate

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 7 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 7 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 7

A new Section to be numbered 15A is hereby added to the Charter of the City of Burbank, to read as follows:

"SUPERINTENDENT OF BUILDING DEPARTMENT

Section 15A. There shall be a Superintendent of the Building Department appointed by the City Manager. He shall be a registered architect, civil or structural engineer who has practiced his profession not less than five years next before his appointment. He shall have charge of the issuing of building, plumbing, electrical and heating and ventilating permits and shall ascertain that no permit is issued unless all laws and ordinances of the state, county and city are complied with and incorporated into the building plans. He shall be responsible for inspections during construction and shall perform such Superintendent of Building Department

other duties as may be prescribed by ordinance or assigned to him by the City Manager.

The provisions herein relating to qualifications for the office of Superintendent of the Building department shall not apply to the person who is the incumbent on April 3, 1951."

That the foregoing Charter Amendment No 7 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 7 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 7 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 159

Assembly Concurrent Resolution No. 77—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to

the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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;

Certificate

That the said City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No 8 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 8 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 8

Section 27 of the Charter of the City of Burbank is hereby amended to read as follows:

"ELECTIONS

Elections

Section 27. Municipal elections held in the City of Burbank shall be classified as of three kinds, to wit:

(1) Primary nominating elections,

(2) General municipal elections,

(3) Special elections.

Primary nominating elections shall be held in said City on the last Tuesday in February in every odd-numbered year, and general municipal elections shall be held in said City on the first Tuesday after the first Monday in April in every odd-numbered year, except in the event that either of said days shall

be a legal holiday such election shall be held on the following day. The officers elected at a primary or general municipal election shall, after they have qualified, enter upon the discharge of the duties of the offices to which they have been elected, on the first day of May next succeeding their election and shall hold office for the period of four years thereafter or until their successors are elected and qualified Elections

Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the City of Burbank at the time of such nomination; and no names shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

At least twenty days before the day of the primary nominating election, each candidate may file with the City Clerk a statement containing the following information in the order herein set forth: (a), his name; (b), the office for which he is a candidate; (c), his present residence and occupation; (d), the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith; (e), the civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust which he may have held therein; (f), the public offices he has held, if any, as principal, deputy or employee; (g), the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate; (h), the length of time he has been a taxpayer in the city; (i), the names and addresses of not less than five (5) nor more than fifteen (15) residents who know something of his character and abilities

Whenever possible the officers of election who shall be appointed for the primary nominating election shall be the officers of election of such general municipal election, and such general municipal election shall be held at the same places as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for primary nominating elections.

In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority vote shall be deemed to be and declared by the Council to be elected to such office: provided, that in the case of candidates for the offices of member of the Council and member of the Board of Education, the candidates therefor equal to or less than the number of such offices for which nominations are to be made who receive the votes of more than one-half of the qualified electors voting at such election shall be deemed to be and declared by the Council to be elected to such office or offices, and their names shall not be printed upon the ballot to be used at the following general election.

Elections

Except as hereinabove provided, the two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; provided, that where more than one office of the same kind is to be filled the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

Whenever it shall appear upon the canvass of the returns of either a primary or general election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons has been nominated for or elected to such office, the City Clerk shall notify in writing all such persons so receiving such equal vote to appear before the Council at the time specified in said notice. Such persons shall appear before the Council at such time and place and then and there, in open session, draw lots, in such manner as the Council shall prescribe, to determine which of said persons shall be nominated for or elected to such office. If any such persons shall not so appear, the City Clerk shall act for such person or persons in such drawing of lots.

All municipal elections shall, except as in this Charter otherwise provided, be conducted and held in substantial accordance with the provisions of the laws of the state for holding of municipal elections until such time as the Council by ordinance shall adopt a City Election Code. After the adoption of such City Election Code all elections, except as in this Charter otherwise provided, shall be conducted substantially in the manner therein prescribed. The Council is hereby authorized to adopt a City Election Code, by ordinance; provided that no such Code shall be adopted, nor amendment made therein during the six months immediately preceding any General Municipal Election in the City of Burbank, nor during the period between the ordering of a special election and the holding thereof.

The Council shall have power to submit to the electors of said City at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this Charter, or by ordinance; provided, that in case such proposition or question is required by the said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

Except as in this charter otherwise provided, every special election shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared in the same manner as herein provided for other elections. The Council may consolidate special elections with each other or with any municipal, county or state election When any elections

shall have been consolidated as herein provided, they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars the same as one election Provided, that when any municipal election is consolidated with any state or county election, the ballots used may be the ballots used at such state or county election, or may be separate ballots, or the voting may be in such manner as may be authorized by law, and the appropriate officials of the County of Los Angeles shall canvass the returns and shall certify the result of such canvass of all municipal questions submitted at such election, to the Council, who shall thereupon declare the result thereof, and any act in relation to the conduct of such election, required by this Charter to be performed by any officer or employee of the City, shall be performed by the proper officer or employee of the County. Elections

The Council, shall, by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding of any such election. Such ordinance shall also establish election precincts, designate polling places therefor, and name officers of election for each precinct. This shall be done in said ordinance by incorporating by reference a list of election precincts, polling places, and officers of election theretofore prepared by the City Clerk The ordinance shall also set forth the places of posting by the City Clerk of three copies of such list of election precincts, polling places and officers of election. One copy of such list shall be posted on the bulletin board near the main entrance to the City Hall; one in the office of the City Clerk; and one in the lobby of the Public Service Building; and said lists shall so remain until the day after such election. 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 list. In case a municipal election is consolidated with a state or county election, it shall not be necessary to set forth the precincts, polling places, or officers of election, but reference shall be made to the notice, resolution, or ordinance of the Board of Supervisors of Los Angeles County calling such election and fixing precincts, polling places and officers of election. All ordinances ordering the holding or consolidation of elections shall be published once in some daily newspaper printed and published in said City at least five days prior to the date of such election."

That the foregoing Charter Amendment No. 8 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 8 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 8 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 160

Assembly Concurrent Resolution No. 78—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951]

City of Burbank' Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk

and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows: Certificate

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the comple-

tion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 9 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 9 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 9

Section 28 of the Charter of the City of Burbank is hereby amended to read as follows:

"CANVASS OF RETURNS

Canvass of returns

Section 28 The City Clerk shall begin canvassing the returns at eight o'clock, A. M. on the second working day after all of the returns from any municipal election have been received in his office Such canvass shall be publicly conducted and continued until completed.

Whenever requested by the City Clerk, the Council shall authorize him to employ temporarily such persons, in addition to the persons regularly employed in his office, as may be necessary to assist him in the performance of any duty imposed upon him by the charter or by the Council in connection with the conduct of any election.

The City Clerk shall post the results of such election in three public places within the City. Within five days after such posting, any elector of the City may file a verified written protest with the City Clerk contesting the count of the ballots. The protest shall set forth specifically the following.

(1) His name and address;

(2) The name of the person whose right to be nominated or elected for an office, stating the office, is being contested; or the proposition being contested;

(3) The number of the precinct or precincts wherein it is contested errors in the counting of ballots as, if corrected, would give a different result;

(4) A statement of particulars as to the errors claimed to have been made in the original count; and

(5) A demand for a recount of the ballots cast at such election in the specified precinct or precincts.

The City Clerk shall present the result of his canvass of the returns of said election, together with any and all protests, to the Council at its next regular meeting after the expiration of said time for filing such protests. Unless a protest has been filed, the Council shall accept the canvass of returns by the City Clerk as correct and shall publicly declare the result thereof. When any such protest has been filed, the Council shall fix a time for such recount, not less than two days nor more than five days thereafter, and at such time the Council shall publicly recount the ballots in the specified precinct or precincts only and as to said office or proposition. Upon the completion of such recount the Council shall publicly declare the result thereof. The action of the Council shall be final. The Council shall be the judge of the qualifications of all the elective officers of the City."

That the foregoing Charter Amendment No. 9 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

(SEAL)

RALPH H. HILTON,
President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 9 as ratified as hereinbefore 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 amendment or 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 the aforementioned Charter Amendment No. 9 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

Approval

CHAPTER 161

Assembly Concurrent Resolution No. 79—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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; Certificate

That the said City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 12 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No 12 to the Charter of the City of Burbank ratified by the qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 12

Section 35 of the Charter of the City of Burbank is hereby amended to read as follows:

"CITY PLANNING DEPARTMENT

City Planning Department

Section 35. The Council shall provide for the establishment of a City Planning Department in the City of Burbank and shall provide for a City Planning Board with such powers and duties as may be prescribed by the Council.

Any City Planning Commission in office when this amendment takes effect shall continue to exercise the powers and duties formerly conferred upon it under the charter before such amendment until such time as the Council shall, by ordinance, declare what its powers and duties shall be, pursuant to the authority conferred in this section."

That the foregoing Charter Amendment No. 12 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

(SEAL)

RALPH H. HILTON,
President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 12 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 12 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 162

Assembly Concurrent Resolution No. 80—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

Certificate

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April, 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 13 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 13 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 13

There is hereby added to the Charter of the City of Burbank a new section to be numbered Section 37, to read as follows:

"CIVIL SERVICE DEPARTMENT

Section 37. The Council shall provide for the establishment of a Civil Service System in the City of Burbank based on merit and fitness and shall provide for a Civil Service Board with such powers and duties as may be prescribed by the Council. Civil Service Department

Ordinance 615 and any regulations issued thereunder relating to personnel shall continue in effect as if authorized under this section until such time as the Council may enact an ordinance carrying out the powers herein conferred.

The following provisions of the Charter of the City of Burbank are hereby repealed: The third paragraph of Section 15; the last sentence of Sections 17 and 18; and Section 23 in its entirety."

That the foregoing Charter Amendment No. 13 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 13 as ratified as hereinbefore 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 amendment or 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 the aforementioned Charter Amendment No. 13 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank. Approval

CHAPTER 163

Assembly Concurrent Resolution No. 81—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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; Certificate

That the said City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 14 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 14 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 14

Section 38 of the Charter of the City of Burbank is hereby amended to read as follows:

"BUDGET

Budget

Section 38. The fiscal year of the City shall begin on the first day of July. On or before the first day of June the City Manager shall prepare, or have prepared, a proposed budget and submit it to the City Council with his recommendations. The budget shall include estimates for revenue and expenditures of all City departments for the ensuing fiscal year. These estimates shall be compiled from detailed information obtained from the several departments on uniform blanks furnished by the City Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed statement of the expense of conducting such department and office for the ensuing fiscal year, showing the object of expenditure such as personal service, contractual service, materials and supplies, equipment, capital outlays, and fixed charges; and further consolidated under funds, organization units, and character of expenditures.

2. Expenditures for the corresponding items for the current year and last preceding fiscal year with reasons for increases and decreases recommended as compared with appropriations for the current year.

3. The total value of supplies and materials on hand at the date of the preparation of the estimate.

4. The total amount of City debt outstanding together with a schedule of maturities of bond issues by departments, and a statement of the borrowing equity of the City.

5. A statement of the amounts which should be appropriated:

a. For the interest on the City debt;

b. For paying off any serial bonds maturing during the year or for sinking fund requirements; and

c. For other fixed charges.

6. An estimate of the amount which should be appropriated for contingent or emergency purposes.

7. An itemization of all anticipated revenues of the City from sources other than taxes.

8. An item to be known as "unappropriated balance" which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "cash basis fund" which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements prior to the receipt of taxes.

9. An estimate of the amount of money to be raised from taxes, the tax rate, and bond issues which with revenue from other sources, would be necessary to meet the expenditures proposed.

10. A long-time program of proposed activities, developments, and improvements listed in order of relative importance

and specifying whether the work is to be done by bond issue or by taxation. Budget

11. Such other information as may be required by the Council or which the City Manager may deem advisable to submit.

Sufficient copies of the proposed budget shall be prepared and printed that there be one copy furnished each member of the Council and that the City Clerk shall have sufficient copies for the inspection of the Public. The Council may also provide for the printing and issuing of the adopted budget.

The Council shall have the power to revise, correct, or modify the proposed budget in any particular. After considering the proposed budget, the Council shall fix a time for holding a public hearing upon the same and shall publish notice of the time fixed for the hearing one time in a newspaper of general circulation printed and published in the City at least ten days before the time of the hearing. After said hearing, the Council may further modify or correct the proposed budget and shall, by resolution, concurred in by four-fifths of the members of the Council adopt the budget, authorize the expenditure of the items therein, and authorize the tax levy to meet the total established expenditures for the fiscal year less the amounts to be raised by bond issues and revenues collected or transferred from other sources.

At any meeting after the adoption of the budget, the Council, by a vote of four members, may amend or supplement the budget so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the annual budget at its passage."

That the foregoing Charter Amendment No. 14 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

(SEAL)

RALPH H. HILTON,
President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 14 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 14 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 164

Assembly Concurrent Resolution No. 82—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank. Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the President of the Council of the City of Burbank and the City Clerk of said City, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

Certificate

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April, 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated

Charter Amendment No. 15 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 15 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 15

The first sentence of Section 42 of the Charter of the City of Burbank is hereby amended to read as follows:

Tax limit

"The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the City, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, public grounds and public libraries of the City and to meet the obligations of the City to the State Employees Retirement System, shall not exceed the rate of one dollar to each one hundred dollars valuation of the property assessed."

That the foregoing Charter Amendment No. 15 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
(SEAL) President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 15 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 15 to the charter of the City of Burbank, as proposed to, and adopted and ratified

by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 165

Assembly Concurrent Resolution No. 83—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the President of the Council of the City of Burbank and the City Clerk of said City, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK }

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the Charter of said city, designated as Charter

Certificate

Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April, 1951, duly declare the result of said General Municipal Election as determined from the canvass of the returns thereof.

That as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 16 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 16 to the Charter of the City of Burbank ratified by the qualified electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 16

Section 54 of the Charter of the City of Burbank is hereby amended in the following respects:

"CONTRACT WORK

The first sentence of the first paragraph of Section 54 is amended to read as follows:

Every contract, involving an expenditure of more than three thousand dollars ($3,000.00), for the erection or construction of public buildings, and works, for street, drainage and sewer work, for the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and each separate purchase of materials or supplies for the same where the expenditure required for such purpose shall exceed the sum of three thousand dollars ($3,000.00), shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for opening bids, provided, that the Council may reject any and all bids presented and may readvertise in its discretion. Contracts exceeding $3,000

That the last paragraph of Section 54 is amended to read as follows:

Nothing in this section shall apply to or prohibit the doing of such work or any portion thereof, by the City, with its own employees without first advertising for bids, where the estimated cost of doing such work does not exceed the sum of five thousand dollars ($5,000.00)." Exemption

That the foregoing Charter Amendment No. 16 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

(SEAL)

RALPH H. HILTON,
President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 16 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 16 to the Charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 166

Assembly Concurrent Resolution No. 84—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951.]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK }

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108). Certificate

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said

General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 17 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 17 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 17

There is hereby added to the Charter of the City of Burbank, a new section to be numbered Section 59A, to read as follows:

"DISPOSITION OF CERTAIN REAL PROPERTY

Disposition of real property

Section 59A. Any real property owned by the City of Burbank which has been heretofore or which may hereafter be dedicated to park, recreation, library, social service or welfare purposes, except such as may have been granted to the City for any of such purposes with restriction as to its use, and which is determined by a majority of the Council to be unsuitable or impractical for park, recreation, library, social service or welfare purposes and no longer suitable for the use to which said property was dedicated, may, by a four-fifths (4/5) vote of the Council, be sold or leased, either in whole or in part, under such terms and conditions and such procedure as the Council may by ordinance prescribe; provided, further, that the proceeds of such sale or lease shall be paid into the City Treasury and credited to the funds of the department which had exercised jurisdiction over such real property before such sale or lease"

That the foregoing Charter Amendment No. 17 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions adopted by the Council, as heremabefore 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 amendment

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

RALPH H. HILTON,
President of the Council of the City of Burbank

(SEAL)

ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 17 as ratified as hereinbefore 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 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, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned Charter Amendment No. 17 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 167

Assembly Concurrent Resolution No. 85—Approving a certain amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at the general municipal election held therein on the third day of April, 1951.

[Filed with Secretary of State June 4, 1951]

City of Burbank Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the president of the council of the City of Burbank and the city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF BURBANK OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss
CITY OF BURBANK

Certificate

We, the undersigned, Ralph H. Hilton, President of the Council of the City of Burbank, and Addie J. Jones, City Clerk and ex-officio Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Burbank, a municipal corporation, in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and ever since the year 1927 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

Certificate

charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 4th day of January, 1927, and approved by the Legislature of the State of California by a concurrent resolution thereof, filed with the Secretary of State on the 19th day of January, 1927. (Statutes 1927, p. 2108).

That the City Council of said city, being its legislative body, on its own motion, pursuant to Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 6676, adopted on the 13th day of February, 1951, duly proposed to the qualified electors of the City of Burbank eighteen amendments to the charter of said city, designated as Charter Amendments Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, respectively, and ordered the said eighteen charter amendments to be submitted to the qualified electors of said city at the General Municipal Election to be held in said city on the 3rd day of April, 1951.

That each of said eighteen proposed charter amendments was, on February 19, 1951, published and advertised in the Burbank Review, 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 City Council did by said Resolution No. 6676, which was duly adopted on February 13, 1951, order the holding of the General Municipal Election in the City of Burbank, on the 3rd day of April, 1951, for the purpose of submitting said eighteen proposed charter amendments to a vote of the qualified electors of said city, which said date of election was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid; and that said City Clerk of the City of Burbank did, on February 19, 1951, publish in said newspaper a Notice of said Election, according to law, and did on March 2, 1951, and March 23, 1951, publish in said newspaper Notice of Measures to be voted on, according to law.

The said General Municipal Election was held in said City of Burbank on the 3rd day of April, 1951, which day was not less than 40 days and not more than 60 days after the completion of the publication of said proposed charter amendments, as aforesaid, and said eighteen proposed charter amendments were at said election submitted to the qualified electors of said city for ratification;

That thereafter the Council of the City of Burbank did, in the manner provided by law, duly and regularly canvass the returns of said election and did by Resolution No. 6761 adopted on the 9th day of April 1951, duly declare the result of said

General Municipal Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 6761 at said General Municipal Election said proposed amendment to the Charter of the City of Burbank designated Charter Amendment No. 18 was ratified by a majority of the qualified electors of said city voting thereon;

That the said Charter Amendment No. 18 to the Charter of the City of Burbank ratified by the Qualified Electors thereof, is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 18

Section 69 of the Charter of the City of Burbank is hereby amended to read as follows:

"WHEN CHARTER EFFECTIVE

Section 69. This Charter may be amended pursuant to the procedure set forth in the Constitution and laws of this State. Unless a later date is otherwise expressly provided, this Charter or any amendment thereto shall go into effect upon its approval by the voters of the City and the State Legislature." Effective date

That the foregoing Charter Amendment No. 18 to the Charter of said City of Burbank, submitted to and ratified by the electors of said city at the General Municipal Election held therein on the 3rd day of April, 1951, has been compared by us and each of us, with the original proposal set forth in the resolutions 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 amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Burbank to be affixed this 25th day of May, 1951.

(SEAL)

RALPH H. HILTON,
President of the Council of the City of Burbank
ADDIE J. JONES,
City Clerk of the City of Burbank

and

WHEREAS, The said Charter Amendment No. 18 as ratified as hereinbefore 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 amendment or 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 the Approval

aforementioned Charter Amendment No. 18 to the charter of the City of Burbank, as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Burbank.

CHAPTER 168

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article I thereof, relating to grand juries.

[Filed with Secretary of State June 4, 1951.]

Constitution Amendment Sec. 8 of Art. I, re grand juries

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1951 General Session commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 8 of Article I of the Constitution of the State of California be amended to read as follows:

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. When a defendant is charged with the commission of a felony, by a written complaint subscribed under oath and on file in a court within the county in which the felony is triable, he shall, without unnecessary delay, be taken before a magistrate of such court. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the city or township in which the court is situated. If the felony charged is not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein; thereupon, or at any time thereafter while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged; and upon such plea of guilty, the magistrate

shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court.

The foregoing provisions of this section shall be self-executing. The Legislature may prescribe such procedure in cases herein provided for as is not inconsistent herewith. In cases not hereinabove provided for, such proceedings shall be had as are now or may be hereafter prescribed by law, not inconsistent herewith.

A grand jury consisting of 19 jurors shall be drawn and summoned in each county for the year following the adoption of this amendment and for each year thereafter which shall consist of not less than three nor more than nine members of the immediately preceding grand jury who shall serve for that year only and such additional members as are required to provide the total membership. No grand juror shall serve for more than two consecutive years, nor serve as foreman of a grand jury for more than one year. The provisions of this paragraph are self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

CHAPTER 169

Senate Concurrent Resolution No. 79—Relative to the death of Herbert C. Moffitt, Sr.

[Filed with Secretary of State June 4, 1951.]

Death of Herbert C. Moffitt, Sr

WHEREAS, On February 5, 1951, death took from our community a revered and beloved man and from the University of California Medical School its foremost teacher and administrator, Herbert C. Moffitt, Sr.; and

WHEREAS, Dr. Moffitt was born in San Francisco, December 9, 1867, was educated in the University of California, in Harvard University, and in various medical centers of the Old World; and

WHEREAS, He obtained his license to practice medicine in California in 1897 and became a member of the San Francisco Medical Society in 1898; and

WHEREAS, He became associated with the University of California in 1899 as lecturer in medicine and thereafter served the University as Professor of Medicine, Dean of the Medical School, and Professor Emeritus of Medicine; and

WHEREAS, Dr. Moffitt served his Country as a major in the United States Army Medical Corps during World War I; and

WHEREAS, He was a member and president of the Association of American Physicians; and

WHEREAS, The contribution of Dr. Moffitt to the education of medical men throughout the West was a monumental one; 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 adjourn this day they shall do so in respect to the memory of Herbert C. Moffitt, Sr.; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send suitably prepared copies of this resolution to his widow, Mrs. Herbert C. Moffitt, Sr., his daughter, Mrs. Alice Trapnell, and his son, Herbert C. Moffitt, Jr.

CHAPTER 170

Senate Concurrent Resolution No. 74—Relating to establishing R. O. T. C. flying instruction at Davis.

[Filed with Secretary of State June 4, 1951]

Aviation R O T C at Davis

WHEREAS, The United States Government has maintained in accredited agricultural universities of the United States, R. O. T. C. units in the training of students in the three branches of military service, that is, the Army, Navy and Marine Corps; and

WHEREAS, The University of California has a large branch at Davis, California, which is and has been maintained for many years as one of the agricultural functions of the University of California, and a part thereof; and

WHEREAS, The University of California is a land grant college and is required to maintain by the United States Government an R. O. T. C.; and

WHEREAS, It would be for the advantage of the United States Government, the public at large, and the three branches of the service to maintain necessary instruction in flying for all three branches at the R. O. T. C. at Davis, California, as part of the training of the students thereof; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That an R. O. T. C. course in flying be incorporated in the courses now taught and given at the University of California at Davis; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to Knowles A. Ryerson, Assistant Dean, College of Agriculture, Davis and to the Board of Regents.

CHAPTER 171

Assembly Concurrent Resolution No. 87—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 eighth day of May, 1951.

[Filed with Secretary of State June 5, 1951]

City of Long Beach Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter

of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, 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 8TH DAY OF MAY, 1951, 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, Burton W. Chace, Mayor of the City of Long Beach and Clyde G. Roseberry, 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 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 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted on the 20th day of March, 1951, and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of the City of Long Beach two (2) amendments to the charter of said City numbered Proposition No. 1 and Proposition No. 2, 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 8th day of May, 1951; and

That said amendments numbered Proposition No. 1 and Proposition No. 2 were, on the 26th day of March, 1951, duly published in the Long Beach Independent and in each edition thereof during said date 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

Certificate

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-3027, order the holding of a special municipal election in said City of Long Beach on the 8th day of May, 1951, 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 26th, 27th and 28th days of April, 1951, 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 8th day of May, 1951, 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 each of said 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 25th day of May, 1951, 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 each of said proposed charter amendments; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION No. 1

That the Charter of the City of Long Beach be amended by adding a new section thereto, to be known as Section 187.2, to read as follows:

Sec. 187.2. (a) The amount to be paid as a pension to each person granted a pension prior to the effective date of this amendment, pursuant to rights thereto vested by reason of the provisions of Section 187 of this Charter prior to the repeal thereof by the adoption of Section 187.1 hereof, is hereby fixed in each instance at the amount paid to each such person by the City on the effective date of this amendment and thereafter said pension shall be paid monthly in said fixed amount; provided, however, that the amount to be paid as a pension to any person who shall be entitled to such pension under the provisions of said Section 187 prior to said repeal thereof, by reason of the death of a person heretofore granted such a pension, is hereby fixed in each instance at an amount equal to fifty per cent (50%) of the salary attached to the rank or position upon which the pension of said deceased person is fixed on the effective date of this amendment. Pensions

(b) The amount to be paid as a pension to each person who shall be granted a pension subsequent to the effective date of this amendment pursuant to the rights thereto vested by reason of the provisions of Section 187 of this Charter prior to the repeal thereof by the adoption of Section 187.1 hereof, shall be based in each instance upon the applicable percentage of the average monthly salary earned during the five (5) years immediately preceding the retirement or death of the person whose service formed the basis for such right to a pension. Such average monthly salary shall be determined by dividing the total salary earned by such person during said five-year period by the number of months during which such person earned such salary.

(c) There is hereby created a fund to be known as the "Police and Fire Pension Fund," for the purpose of meeting the payment of pensions, the right to which pensions became vested by reason of the provisions of Section 187 of this Charter prior to the repeal thereof by the adoption of Section 187.1 hereof. Said fund shall be a continuing fund and shall not be subject to transfer at the close of the fiscal year. The City Council may, from time to time, appropriate or transfer money to said fund. All deductions from the salaries of certain members of the Police and Fire Departments required to be made by this section shall be placed in said fund. The money in said fund shall be used only for the payment of such pensions as are referred to in this section, or the payment, with interest, of amounts deducted from salaries of members of said departments, as herein provided. Pending such use, however, the money in said fund, to the extent and manner authorized by the City Council, may be invested in such securities as are authorized by law for the investment of public funds. Any interest or increment received because of such investment shall be paid into and become a part of said fund.

(d) Ten per cent (10%) of the salary of each person, who is a member of the Police or Fire Department on the effective

Pensions

date of this section and who has certain vested rights by reason of the provisions of Section 187 of this Charter prior to the repeal thereof by the adoption of Section 187.1 hereof, shall be deducted from such salary and paid semimonthly into the "Police and Fire Pension Fund," until such member has completed the number of years of service required for his eligibility for retirement. An amount equal to all amounts so deducted shall be paid to such person upon his ceasing to be a member of either of said departments by reason of resignation or discharge prior to such person's having completed the number of years of service required for his eligibility for retirement. No member absent by reason of ordered military service shall be paid the amount of his deductions. Upon reinstatement from such service, such member shall pay to the City, for deposit in said fund, the amount of money that would have been deducted from his salary were he not so absent. Such payment shall be made in the manner prescribed by the City Council. In the event any person, from whose salary deductions have been made pursuant to this section, dies before retirement, such amounts shall be paid to his estate or designated beneficiary; provided, however, no payment whatever shall be made in the event any person shall be eligible to be granted a pension by reason of such death. There shall be added to the total amount payable by the City, representing said deductions, at the time of payment thereof, accrued interest thereon, compounded annually, at the rate of two and one-half per cent (2½%) per annum.

(e) If any subsection, sentence, clause or phrase of this Section 187.2 proves to be invalid or unconstitutional, such shall not impair the validity or constitutionality of any other subsection, sentence, clause or phrase of this section, unless it clearly appears that such other subsection, sentence, clause or phrase of this section is dependent for its operation upon the subsection, sentence, clause or phrase so held invalid or unconstitutional; it is hereby declared that the provisions of this section are severable and that the same, and each and every subsection, sentence, clause and phrase thereof, would have been ratified and approved irrespective of the fact that any one or more other subsections, sentences, clauses or phrases thereof are held to be invalid or unconstitutional.

PROPOSITION NO. 2

That the Charter of the City of Long Beach be amended by amending Sections 293, 229-*l* and subsection (11) of Section 217 thereof to read, respectively, as follows:

Contracts

Sec. 293. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing, by order of the City Council, and signed by the City Manager or by some other person in behalf of the City authorized so to do by the City Manager; provided, that the approval of the form of the contract by the

City Attorney shall be endorsed thereon before the same shall be signed on behalf of the City; but the City Council, by ordinance duly adopted, may authorize the City Manager, or any commission, board or agent of the City, with the written approval of the City Manager, to bind the City without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding Thirty-five Hundred Dollars ($3500.00). The Board of Harbor Commissioners and the Board of Water Commissioners may authorize contracts, in writing or otherwise, without advertising for bids, for the payment of supplies, labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding Thirty-five Hundred Dollars ($3500.00).

Sec. 229-*l*. All contracts, except where the expenditure involved does not exceed the sum of Thirty-five Hundred Dollars ($3500.00), shall be made and entered into upon competitive bidding in the manner and form as provided in Article XXVI of this charter, and all powers and duties therein conferred or imposed upon the City Council are, in relation to all matters connected with the port, hereby conferred and imposed upon the Board, and all powers and duties therein conferred or imposed upon the City Manager are, in relation to all matters connected with the port, hereby conferred and imposed upon the Port Manager. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Board, subject to public inspection.

(11) To make contracts in the name of said Board to carry into effect the powers granted the Board of Water Commissioners in this charter; provided, that all contracts wherein the expenditure of funds of the Water Department exceeds the sum of Thirty-five Hundred Dollars ($3500.00), except contracts for labor, materials or supplies for actual emergency work, shall be made and entered into upon competitive bidding as provided in Article XXVI of this charter, and all powers and duties therein conferred or imposed upon the City Council and/or City Manager are hereby conferred and imposed upon the Board of Water Commissioners. At the time of publication of notice inviting bids, specifications of the supplies or materials required, or the plans and specifications of the work to be done, must be on file in the office of the Board, subject to public inspection.

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, Burton W. Chace, Mayor, as aforesaid, and Clyde G. Roseberry, 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 25th day of May, 1951.

BURTON W. CHACE
(SEAL) Mayor of the City of Long Beach
CLYDE G. ROSEBERRY
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, Article XI, of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That 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 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 Long Beach.

CHAPTER 172

Assembly Concurrent Resolution No. 86—Approving the charter amendments to the charter of the City of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the first day of May, 1951.

[Filed with Secretary of State June 5, 1951.]

City of Compton. Charter amendments

WHEREAS, The City of Compton, in the County of Los Angeles, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1948, and now is organized and acting under a 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 municipal election held for that purpose on the third day of December, 1947, and approved by the Legislature of the State of California (Statutes 1948, Page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, the eleventh day of March, 1948, (Statutes 1948, page 236); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Compton, as set out in the certificate of the mayor and the city clerk of said City of Compton, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT A SPECIAL MUNICIPAL ELECTION HELD ON THE 1ST DAY OF MAY, ONE THOUSAND NINE HUNDRED AND FIFTY-ONE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF COMPTON

Certificate

We, Harry T. Laugharn, Mayor of the City of Compton, and Mrs. Clyde J. Harlan, City Clerk of the City of Compton, do hereby certify as follows:

That said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and less 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 Compton is now and was at all the times herein mentioned organized and existing under a Charter, adopted under the provisions of Section Eight, of 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 municipal election held therein on the 3rd day of December, 1947, and approved by the Legislature of the State of California (Statutes of 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California on the 11th day of March, 1948, (Statutes 1948, page 236); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City, did 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 electors of said City of Compton certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at a special municipal election to be held in said City on the 1st day of May, 1951; and

That said proposed amendments were, on the 8th day of March, 1951, duly published in the "Herald American and The Compton Herald" a newspaper of general circulation, published in the City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Ordinance designated as Ordinance No. 842, which was duly adopted on the 20th day of March, 1951, order the holding of a special municipal election in said City of Compton on the 1st day of May, 1951, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Compton, as aforesaid; and

Certificate

That said special municipal election was held in said City on said 1st day of May, 1951, which date was more than forty (40) and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Herald American and The Compton Herald", as aforesaid; and

That at said special municipal election held as aforesaid, on said 1st day of May, 1951, a majority of the voters voted in favor of said proposed amendments to the Charter of the City of Compton, and duly ratified the same; and

That the City Council of the City of Compton after duly canvassing the returns of said special 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 voting thereon, had voted in favor of and ratified said proposed amendments to the Charter of the City of Compton, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1

Boards, etc Compensation vacancies

"Section 1005. Compensation. Vacancies. That the members of the Planning Commission shall be paid Ten Dollars ($10.00) for each meeting attended not exceeding two (2) meetings in each month. That the members of the Personnel Board and the Recreation and Parks Commission shall be paid ten dollars ($10 00) for each meeting attended but not exceeding one (1) meeting in each month.

"Any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. If a member of a board or commission absents himself from all regular meetings of such board or commission for a period of sixty (60) days, consecutively (from and after the last regular meeting of such board or commission attended by such member), unless by permission of the City Council, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council."

PROPOSED CHARTER AMENDMENT NO. 2

Board of Education

"Section 900. Number and Term. The Board of Education of the Compton Grammar School District shall consist of five members elected from the District at large and who shall serve for a term of four years. The provisions of the School Code of the State of California governing elections of boards of trustees, as they now exist or may hereafter be amended, shall govern elections of members of the Board of Education, except as otherwise herein provided. Elections shall be held biennially in the odd numbered years.

"The members of the Board of Education holding office when this Charter takes effect shall continue in office thereafter until their respective terms of office shall expire and until their

successors shall be elected and qualified. At each biennial election three members of the board shall be elected. The two receiving the highest number of votes being elected to terms of four years each and the third to a two-year term.

"The members of the Board of Education shall each be paid Ten Dollars ($10.00) for each meeting attended but not to exceed two (2) meetings in each month."

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

IN WITNESS WHEREOF, Harry T. Laugharn, mayor, as aforesaid, and Mrs. Clyde J. Harlan, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Compton to be thereunto duly affixed, on this 22nd day of May, 1951.

(SEAL)

HARRY T. LAUGHARN
Mayor of the City of Compton
MRS. CLYDE J. HARLAN
City Clerk of the City of Compton

WHEREAS, Said proposed amendments to the charter of the City of Compton, 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

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 proposed charter amendments of the City of Compton, ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Compton, be and the same is hereby approved as a whole, without amendment or alteration, as the amendments to the charter of the City of Compton, and as a part of said charter of the City of Compton.

CHAPTER 173

Assembly Concurrent Resolution No. 65—Relative to study and investigation of the feasibility of an over-all program of aviation education.

[Filed with Secretary of State June 5, 1951.]

Study of aviation education

WHEREAS, It is estimated that in the Fiscal Year 1950-51 there will be over 5,000,000 acres treated by aviation activities reportable to the Department of Agriculture; and

WHEREAS, Over 90 percent of the rice acreage of the State is now seeded by airplane and a great proportion of the cereal and legume crops of the State are similarly seeded; and

WHEREAS, A great proportion of commercial fertilizers are applied by aircraft; and

WHEREAS, There is a growing organization known as the "Flying Farmers" composed of agriculturists who operate their own aircraft; and

WHEREAS, At the present time at the University of California College of Agriculture at Davis there are approximately 30 students meeting at the airport and personally paying for private instruction in order to become qualified in the intricacies of applied agricultural aviation along with the completion of their college training in connection with their farming activities; and

WHEREAS, All of the above demonstrates that the airplane is becoming a basic implement in California farming activities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Liaison Committee on Higher Education be and it is hereby requested to study and investigate the feasibility of an over-all program of aviation education and to report thereon to the Legislature not later than the twentieth legislative day of the 1952 Regular Session of the Legislature, including in its report any recommendations it may have as to where facilities for aviation instruction could be established with the greatest benefit to the people of the State; and be it further

Resolved, That the Liaison Committee on Higher Education give particular attention to the present airport and other facilities at the University of California College of Agriculture at Davis; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit copies of this resolution to the Regents of the University of California, to the President of the University of California, to the Lieutenant Governor of California, to the President pro Tempore of the Senate, to the Speaker of the Assembly, to the Department of Education, to the Superintendent of Public Instruction, and to the State Board of Education.

CHAPTER 174

Assembly Concurrent Resolution No. 25—Relative to approving a charter of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said county at the general election held therein on the seventh day of November, 1950.

[Filed with Secretary of State June 5, 1951]

Santa Clara County Charter

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a charter for the County

of Santa Clara, State of California, as hereinafter set out in the certificates of the chairman of the board of supervisors and the county clerk of the said county and the certificate of the county recorder of the said county and the exhibits attached thereto as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE COUNTY OF SANTA CLARA IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

Certificate

We, the undersigned, A. W. Brown, Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and E. T. McGehee, County Clerk of said County and ex-officio Clerk of the Board of Supervisors of said County, do hereby certify and declare as follows:

That the County of Santa Clara was at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California; that the said County of Santa Clara has not been at any time herein mentioned and is not now consolidated with any city.

That on the 17th day of April, 1950, the Board of Supervisors of the County of Santa Clara, State of California, at a regular meeting of said Board, did, pursuant to and in accordance with Section 7½ of Article XI of the Constitution of the State of California, regularly pass and duly adopt Santa Clara County Ordinance No. 461 entitled, "An Ordinance declaring that public interest requires the election of a Board of Freeholders for the purpose of preparing and proposing a Charter for the County of Santa Clara and calling and providing for a special election for the purpose of electing a Board of fifteen Freeholders to prepare and propose such Charter", said election to be held on the 6th day of June, 1950, and which Ordinance did specify the purpose and time of such election, and did establish the election precincts and designate the polling places therein and the names of the election officers for each such precinct, and which Ordinance prior to such election was published five times in the "Gilroy Evening Dispatch", a daily newspaper printed, published and circulated in said County.

That thereafter, to-wit, on the 8th day of May, 1950, the Board of Supervisors of said County of Santa Clara issued an Election Proclamation containing a statement of the time of said election and of the offices to be filled, and caused such Proclamation to be published in the "Santa Clara Journal", a newspaper of general circulation printed and published in said County of Santa Clara, and caused a copy of the same to be furnished to the election officers of each and every election precinct in which said election was conducted, in accordance with the provisions of law.

Certificate

That candidates for election as members of said Board of Freeholders were nominated by petition in the same manner as is provided by general law for the nomination by petition of electors of candidates for county offices to be voted for at general elections.

That thereafter, to-wit, on the said 6th day of June, 1950, a special election was held in said County of Santa Clara for the purpose of electing said Board of fifteen Freeholders.

That thereafter, to-wit, on the 26th day of June, 1950, the Board of Supervisors of said County did canvass the returns of said special election held on the 6th day of June, 1950, and the result thereof was declared by said Board of Supervisors of said County of Santa Clara, and that said Board of fifteen Freeholders was therein declared to be elected, and that said Board of fifteen duly qualified Freeholders, consisting of the following named persons, was therein declared to be elected, to-wit:

F. A. Wickett	E. B. Scott
Aaron Richards	Peter J. Pasetta
C. L. Carlyle	Joseph B. Josephson
A. J. Price	Paul T. Gallagher
Raymond J. Fisher	Allan M. Standish
Harry G Mitchell	C. L. Ryser
Margaret B. Connor	W. L. Whidden
Bertha S Mason	

That thereafter and within 120 days from the said 26th day of June, 1950, to-wit, on the 14th day of September, 1950, the said Board of fifteen Freeholders did complete the preparation of and did propose a Charter for said County of Santa Clara, which said Charter was signed in duplicate by all the members of said Board of fifteen Freeholders, and did file one copy of the same in the office of the County Clerk of the said County, and the other copy of the same in the office of the County Recorder thereof.

That thereupon and commencing within fifteen days after the said 14th day of September, 1950, to-wit, on the 26th day of September, 1950, and ending on the 6th day of October, 1950, the Board of Supervisors of said County of Santa Clara caused the said proposed Charter to be published for at least ten days in the "San Jose Mercury", a daily newspaper of general circulation printed, published and circulated in said County.

That on the 25th day of September, 1950, the Board of Supervisors of said County of Santa Clara did regularly pass and duly adopt Santa Clara County Ordinance No. 487 entitled, "An Ordinance directing the submission to the qualified electors of Santa Clara County at the general election to be held November 7, 1950, of the question of adopting and ratifying the Charter prepared and proposed for the County of Santa Clara by the Board of Fifteen Freeholders heretofore elected for the purpose and filed by said Board with the County Clerk and with the County Recorder of Santa Clara County on the 14th day of September, 1950".

That in accordance with said Ordinance of said Board of Supervisors so passed on said 25th day of September, 1950, the said proposed Charter as adopted by the Board of fifteen Freeholders was so submitted to the qualified electors of the County of Santa Clara at said general election of November 7, 1950, and a majority of the qualified electors of said County of Santa Clara voting thereon did vote in favor of and duly ratify the said proposed Charter. Certificate

That the Board of Supervisors of the County of Santa Clara after the canvass of the returns of said election duly found and declared that the majority of such qualified electors voting thereon at such election had voted in favor of and ratified the said proposed Charter.

WE FURTHER CERTIFY that attached hereto and made a part hereof by this express reference and incorporation is a full, true and correct copy of the Charter of the County of Santa Clara as ratified by the qualified electors of said County on the 7th day of November, 1950, and is a full, true and correct copy of the proposed Charter for the County of Santa Clara prepared and proposed by said duly qualified Board of fifteen Freeholders and duly filed in the office of the County Clerk and in the office of the County Recorder of the County of Santa Clara on the 14th day of September, 1950, said proposed Charter and each copy thereof having been duly signed by all of the members of said Board of fifteen Freeholders.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the Seal of the County of Santa Clara this 18th day of December, 1950. Execution

A. W. BROWN
(SEAL) Chairman of the Board of Supervisors of the County of Santa Clara, State of California
E. T. MCGEHEE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Santa Clara, State of California

The foregoing instrument is a correct copy of the original on file in this office.

Attest: January 19, 1951.

E. T. MCGEHEE
County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Santa Clara.
By RICHARD OLSON, Deputy

STATE OF CALIFORNIA }
} ss.
COUNTY OF SANTA CLARA }

I, Chas. A. Payne, County Recorder of the County of Santa Clara, do hereby certify that attached hereto and made a part hereof by this express reference and incorporation is a full, true

and correct copy of the proposed Charter for the County of Santa Clara as prepared and proposed by a Board of Fifteen Freeholders, and that a copy of said proposed Charter was duly filed in my office on the 14th day of September, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal this 19th day of December, 1950.

CHAS. A. PAYNE
(SEAL) County Recorder of the County of Santa Clara, State of California.

The foregoing instrument is a correct copy of the original on file in this office.

Attest: January 19, 1951.

E. T. McGEHEE
County Clerk and ex-officio Clerk of the Superior Court of the State of California in and for the County of Santa Clara.
By RICHARD OLSON, Deputy

PROPOSED CHARTER OF THE COUNTY OF SANTA CLARA

We, the People of the County of Santa Clara, do ordain and establish this Charter for its government.

ARTICLE I
NAME AND RIGHTS OF THE COUNTY

Body corporate and politic

Section 100. Body Corporate and Politic. The County of Santa Clara, as it now exists, is a body corporate and politic, and as such has, and shall have all the rights and powers which are now or hereafter may be provided by the Constitution and laws of the State of California and by this Charter, and it shall have such other powers as are necessarily implied.

Powers in supervisors

Section 101. Powers to be Exercised by Supervisors. The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents or officers acting under its authority or of law or of this Charter.

Name and boundaries

Section 102. Name and Boundaries. The corporate name shall be "County of Santa Clara", which shall be thus designated in all actions and proceedings touching its rights, powers, properties and duties. Its boundaries and county seat shall be and remain as they are at the time this Charter takes effect until otherwise changed in accordance with law.

ARTICLE II
BOARD OF SUPERVISORS

Number

Section 200. Board of Supervisors. There shall be a Board of Supervisors consisting of five members, one from each supervisorial district.

Districts

Section 201. Supervisorial Districts. The County is hereby divided into five supervisorial districts, the designations and boundaries of which shall be and remain the same as they are at the time this Charter takes effect, until otherwise changed in the manner prescribed by this Charter.

Same
Change of boundaries

Section 202. Change of District Boundaries. The Board of Supervisors may by a vote of not less than four of its members change the boundaries of any supervisorial district. No change of such boundaries shall ever affect the term of office of any Supervisor. A change in the boundaries of any supervisorial district shall not be made within one year preceding a general election.

Qualifications

Section 203. Qualification of Supervisors. In order to be eligible for election or appointment each Supervisor must have been a qualified elector in the district he represents for the period of at least two years immediately preceding his election or appointment, and must continue to reside therein during his incumbency in office.

Election

Section 204. Election of Supervisors. Each member of the Board of Supervisors shall be nominated and elected by the electors of the district which he represents at the times and in the manner provided by general law. The members of the Board of Supervisors in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors qualify.

Term

Section 205. Term of Office. The term of office of Supervisors shall be four years. Supervisors from the Second, Third and Fifth districts shall be elected at the general election held in November, 1952. Supervisors from the First and Fourth districts shall be elected at the general election held in November, 1954. At each general election thereafter, either three or two Supervisors, as the case may be, shall be elected for four year terms. The term of office shall begin at noon on the first Monday in January following the election.

Vacancy

Section 206. Vacancy. Whenever a vacancy occurs in the Board of Supervisors, such vacancy shall be filled by appointment by the Board of Supervisors of a qualified elector from the district in which the vacancy occurs. If such an appointment is not made within thirty days from the occurrence of such vacancy, the Governor of the State of California shall make the appointment. An appointee shall hold office until the election and qualification of his successor. At the next general election following any vacancy, a Supervisor shall be elected for the unexpired term of such office unless such term is to expire on the first Monday in January of the year succeeding such general election.

Compensation

Section 207. Compensation. Salaries of Supervisors shall be based upon the time required for the proper performance of their public duties and shall be fixed by the terms of an ordinance passed by the Board. Such salaries shall not exceed the amount allowable by the applicable provisions of general law as of August, 1950. Subject to the same limitation,

salaries may be revised or changed biennially to take effect before new supervisorial terms commence, but no such change shall affect the salary of an incumbent Supervisor during the continuance of his current term of office. In addition to salary each Supervisor shall be allowed mileage for necessary travel in the performance of his public duties including mileage from his residence to the place of board meetings. Itemized claims for mileage, properly verified, shall be filed monthly by each Supervisor with the Controller.

Chairman organization. oaths

Section 208. Chairman, Quorum, Oaths. The Board of Supervisors, annually, at the first meeting in January, shall elect a Chairman who shall preside at all meetings. In the event of his absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as Chairman Pro Tem, who, while so acting, shall have all the authority of the Chairman. Any member of the Board may administer oaths while in the performance of official duties.

A majority of the members of the Board shall constitute a quorum for the transaction of business and no act of the Board shall be valid unless at least three concur therein.

Meetings

Section 209. Meetings. The Board of Supervisors shall convene in regular session at least once each week and shall provide by ordinance for the manner and time of holding all regular and special meetings.

Other offices

Section 210. Non-eligibility for Appointment No Supervisor, during the term for which he has been elected or appointed, or for one year thereafter, shall be eligible for appointment to any County office, position or employment carrying compensation, exclusive of traveling and other authorized expenses.

ARTICLE III

Powers and Duties of the Board of Supervisors

General powers and duties

Section 300. General Powers and Duties. The Board of Supervisors shall have all the jurisdiction and powers which are now or which hereafter may be granted to it by the Constitution of the State of California, by this Charter or by the laws of the State, except insofar as such laws may be inconsistent with the provisions of this Charter.

Additional mandatory powers

Section 301. Additional Mandatory Powers. In addition to the other powers and duties herein provided, it shall be the duty of the Board of Supervisors and it shall have the power to:

(a) Appoint, suspend or remove, subject to the Merit System provisions of this Charter, all officers, boards and commissions, the power of whose appointment is vested by this Charter in the Board of Supervisors.

(b) Consider an Administrative Code, which is to be prepared by the County Executive, hold a public hearing thereon and adopt such Code by ordinance within the first year after the general provisions of this Charter become effective Such Code shall prescribe the powers and duties of appointive County

officers and employees; the methods, procedures and systems of operation and management of all offices, institutions and departments of the County, both elective and appointive; and shall include rules and regulations governing the operation of a centralized purchasing system for all such offices, institutions and departments.

(c) Provide by ordinance for the compensation of all officers and employees and for the appointment, number, compensation and tenure of assistants, deputies, clerks and other persons to be employed in the County service, subject to the Merit System provisions of this Charter.

(d) Cause a post-audit of the financial transactions and records of all offices, institutions and departments of the County to be made at least annually by a Certified Public Accountant As soon as possible, at the end of each fiscal year a final audit and report shall be completed and submitted to the Board of Supervisors and three additional copies shall be placed on file in the office of the County Clerk where they shall be available for inspection by the general public.

(e) Adopt such ordinances as may be necessary or proper to establish and carry into effect the provisions of this Charter

Additional discretionary powers

Section 302. Additional Discretionary Powers. In addition to the other discretionary powers herein provided, the Board of Supervisors shall have the power to:

(a) Consolidate appointive County offices, institutions, departments, or divisions thereof, whenever the respective duties thereof are not inconsistent, and consolidate, segregate, transfer, abolish or reassign the powers, duties or functions of any such office, institution, department or division.

(b) Provide for the assumption and discharge by County officers of certain of the municipal functions of the cities or towns within the County whenever the discharge by County officers of such municipal functions is authorized by such cities pursuant to general law, or to charter provisions applicable to such cities.

(c) Inquire into the conduct of any office, institution or department to which the County contributes money, and require periodic or special reports therefrom and examine all records and accounts thereof.

(d) Require the attendance of any officer or employee of the County at any meeting of the Board for the purpose of information, advice or assistance.

(e) Provide recreation areas and facilities for the people of the County.

Limitation

Section 303. Prohibiting Interference. Except for the purposes of inquiry and information, neither the Board of Supervisors nor any member thereof shall deal with any administrative officer or employee appointed by or under the County Executive except through him, and neither the Board of Supervisors nor any member thereof shall give orders to the subordinates of the County Executive either publicly or privately

ARTICLE IV
COUNTY EXECUTIVE OFFICE

County executive

Section 400. The County Executive. There shall be a chief administrative officer who shall be known as the County Executive, who shall be appointed by the Board of Supervisors and shall serve at the will of such Board. In the event of the removal of the County Executive from office, upon his request the Board of Supervisors shall provide him with a written statement specifying the reasons for such action, within three days after receipt of such request. The County Executive shall be chosen on the basis of his executive and administrative experience and qualifications. He shall maintain residence within the County of Santa Clara during his tenure of office and shall not engage in any other business or occupation.

Same: First

Section 401. The First County Executive. The first County Executive under this Charter shall be appointed by the Board of Supervisors within ninety days after its approval by the Legislature and, notwithstanding the provisions of the preceding section, may not be removed from office by the Board of Supervisors within one year, except for wilful or corrupt misconduct in office. The County Executive shall receive a salary commensurate with his responsibilities as chief administrative officer of the County. Such salary shall be fixed by the Board prior to his appointment, and annually thereafter, except that in the first five years after the adoption of this Charter, the amount of such salary shall in no instance be less than $10,000 per annum.

Vacancy

Section 402. Vacancy in Office. Should a vacancy occur in the office of County Executive, the Board of Supervisors shall immediately appoint one of the County officers or employees to serve as Acting County Executive until such time as a County Executive is appointed.

Executive pro tempore

Section 403. County Executive Pro Tempore. The County Executive shall appoint, subject to the approval of the Board of Supervisors, one of the other officers or department heads of the County to serve as County Executive Pro Tempore. Such appointment shall be made in writing and shall be filed with the Clerk of the Board of Supervisors Such officer shall serve during any temporary absence or disability of the County Executive.

ARTICLE V
POWERS AND DUTIES OF THE COUNTY EXECUTIVE

General powers and duties

Section 500. General Powers and Duties. The County Executive shall be the head of the administrative branch of the County government. He shall be responsible to the Board of Supervisors for the proper administration of all affairs of the County. Without limiting the foregoing general grant of powers, responsibilities and duties, the County Executive shall have power and be required to:

(a) Prepare an Administrative Code within six months of his appointment and submit it to the Board of Supervisors.

(b) Attend all meetings of the Board of Supervisors, with the right to participate in the deliberations of such Board, except when it is considering his removal, but to have no vote.

(c) Coordinate the work of all offices, institutions and departments of the County, both elective and appointive and devise ways and means whereby efficiency and economy may be secured in the operation of all offices, institutions and departments.

(d) Supervise and direct the preparation of the annual budget of the County for the Board of Supervisors and be responsible for its administration after adoption.

(e) Formulate and present to the Board of Supervisors plans for the future growth and development of the County and for the expansion of public works and services made necessary thereby.

(f) Prepare and submit to the Board of Supervisors, as of the end of each fiscal year, a report on the finances and administrative activities of the County for the preceding year, together with such recommendations as he may see fit to make for the betterment of public service.

(g) Establish a centralized purchasing system for all County offices, institutions and departments.

(h) Have charge of all County property, buildings, works and improvements, including but not limited to the recreation areas of the County.

(i) Make temporary transfers of employees from one County office, institution or department to another when, in his opinion, the work load requires the same.

(j) Perform such other duties required of him by the Board of Supervisors as is consistent with this Charter.

ARTICLE VI
County Officers

Elective county officers

Section 600. Elective County Officers. The elective County officers shall be the:

Members of the Board of Supervisors
Assessor
District Attorney
Superintendent of Schools
Justices of the Peace

Such officers, other than the members of the Board of Supervisors, shall be nominated and elected at the times, and in the manner, and shall hold office for the terms provided by general law. Whenever a vacancy occurs in the offices named in this section, such vacancy shall be filled by the appointment by the Board of Supervisors of a qualified elector of the County who shall hold office until the election and qualification of his successor. At the next general election following any vacancy a successor shall be elected to serve for the remainder of any

unexpired term, unless such term is to expire on the first Monday in January of the year succeeding such general election.

Supervisorial appointments

Section 601. Supervisorial Appointments. The Board of Supervisors shall appoint, suspend or remove, subject to the provisions of this Charter, the officers, boards and commissions named in this section.

County Executive
County Counsel
Board of Education
Planning Commission
Health and Welfare Commission
Personnel Board
Boards and commissions not otherwise provided for by this Charter

County executive appointments

Section 602. County Executive Appointments. The County Executive shall appoint, supervise, suspend or remove, subject to the Merit System provisions of this Charter, the officers named in this section and all other officers and department heads of the County, except elective officers under this Charter and those department heads and officers whose power of appointment is vested by this Charter in the Board of Supervisors.

Building Inspector
Controller, who shall be ex-officio Auditor
Coroner, who shall be ex-officio Public Administrator
County Clerk, who shall be ex-officio Clerk of the Board of Supervisors and Registrar of Voters
County Engineer, who shall be ex-officio Surveyor and Road Commissioner
County Librarian
County Recorder
County Tax Collector, who shall be ex-officio License Collector
County Treasurer
Director of Medical Institutions
Director of Personnel
Director of Planning
Director of Public Health
Director of Welfare
Purchasing Agent

County officer appointments

Section 603. County Officer Appointments. Subject to the provisions of this Charter, including those governing the Merit System, County officers and department heads, and persons in charge of County institutions or agencies shall have the power to appoint, suspend or remove all assistants, deputies, clerks and other persons employed under their respective administrations.

Advisory boards and commissions

Section 604. Advisory Boards and Commissions. In addition to the Boards and Commissions expressly provided for in this Charter, the Board of Supervisors may create by ordinance such advisory boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. The number of

members of boards and commissions, unless otherwise specified in this Charter, shall be not less than five and shall be specified by ordinance. The terms of all members of County boards and commissions, unless otherwise specified in this Charter, or in the ordinance creating such boards or commissions, shall be four years and until their respective successors are appointed and qualified. No member of any appointive board or commission shall be eligible to serve on such board for more than two consecutive terms, in addition to any portion of any unexpired term which he may have served.

The respective terms of office of all members of the appointive boards and commissions, in existence at the time this Charter takes effect, shall terminate upon the effective date of the general provisions of this Charter. Thereafter the members first appointed to such boards and commissions shall so classify themselves by lot that on each succeeding July 1st the term of one of their number shall expire. If the total number exceeds four, the classification by lot shall provide for the grouping of terms so that the term of at least one member shall expire on each succeeding July 1st

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as are required by ordinance and such special meetings as it may require. Every board or commission shall have power to require the attendance of witnesses, to examine them under oath and to compel the production of evidence before it, and every member thereof shall have the power to administer oaths or affirmations in every proceeding and investigation conducted by it. All meetings shall be open to the public.

The members of appointive boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for traveling and other expenses authorized by the Board of Supervisors when on official duty of the County. No person employed in the County service shall be eligible for appointment to, or serve on any board or commission.

Whenever a vacancy occurs in any appointive board or commission, it shall be filled by appointment by the Board of Supervisors, unless otherwise provided for in this Charter. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. All members of boards and commissions must be qualified electors of this County. If any member thereof ceases to be a qualified elector of the County, his office shall become vacant, and the Board of Supervisors shall so declare.

A majority of the members of a board or commission shall constitute a quorum for the transaction of business and no act of a board or commission shall be valid unless at least a majority of the entire membership concurs therein.

Tenure of office

Section 605. Tenure of Office Except as otherwise provided in this Charter, elective officers of the County shall serve terms and be removable from office in accordance with the provisions of general law. The County Executive and County Counsel shall serve at the will of the Board of Supervisors.

Members of appointive boards and commissions appointed by the Board of Supervisors shall be subject to removal during their respective terms of office by such Board for wilful or corrupt misconduct in office.

Probation Officers and Commissions

Section 606. Probation Officers and Commissions. The manner of appointment and removal of Adult and Juvenile Probation Officers and Commissions shall be as now or hereafter may be provided by general law, excepting that the officers and employees of such departments are hereby included in the Classified Service and appointments, suspensions or removals thereof shall be subject to the Merit System provisions of this Charter.

Board of Education

Section 607. Board of Education. The number of members, the manner of appointment by the Board of Supervisors, the terms of office, the qualifications, compensation and removal of members of the Board of Education shall be as now or as hereafter may be prescribed by the Education Code of the State of California.

The members of the Board of Education in office at the effective date of this Charter shall continue in office until the expiration of their respective terms and until their successors qualify.

Health and Welfare Commission

Section 608. Health and Welfare Commission. There shall be an advisory Health and Welfare Commission to the Board of Supervisors composed of nine members, four and not more of whom shall be doctors of medicine, licensed to practice in the State of California. The Health and Welfare Commission shall have power and be required to:

(a) Familiarize itself with the departments of the County Government dealing with problems of public welfare, public health, and County medical institutions and make recommendations of ways and means of coordinating and improving the services of such departments.

(b) Consider rules and regulations governing the operation of County hospitals and other medical institutions and the admission of persons thereto, as prepared by the County Executive; hold a public hearing and make recommendations thereon to the Board of Supervisors.

(c) Consider, prior to their adoption, such portions of the Administrative Code as pertain to the departments of the County government mentioned in this section and make recommendations thereon to the Board of Supervisors.

(d) Consider and recommend minimum qualifications for the positions of Director of Public Health, Director of Medical Institutions and Director of Welfare

(e) Investigate on its own initiative any matter affecting public health and welfare and submit its recommendations with respect thereto to the Board of Supervisors.

(f) Review such proposed County legislation affecting public health and welfare as is referred to it by the Board of Supervisors and make recommendations thereon to such Board.

Planning Commission

Section 609. Planning Commission. The County Planning Commission shall have all the powers and duties provided by this Charter, by ordinance or by general law not in conflict with the Charter or ordinance.

The Board of Supervisors may create a separate Board of Zoning Appeals.

The Planning Commission shall have power to recommend to the Board of Supervisors the adoption, maintenance or modification of a long term plan for the improvement and future development of the County, and it shall have power to exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or by general law not in conflict therewith.

ARTICLE VII

Powers and Duties of County Officers

General powers and duties

Section 700. General Powers and Duties. Each and all of the officers, boards and commissions created hereunder, or by the Constitution or general laws of this State, or hereafter created by the Board of Supervisors, shall have and exercise all the powers and shall perform all the duties vested in and delegated to them by such Constitution, by this Charter, or by ordinance, and to the extent not in conflict with the Charter or ordinance by the general laws of the State. The officers and employees of the County shall furnish such bond or security as may be required by the Board of Supervisors.

County counsel

Section 701. County Counsel. In addition to the duties to be performed by the County Counsel pursuant to the provisions of general law, he shall act as attorney for the Coroner in his capacity as Public Administrator, when requested so to do by the Coroner, and shall collect the attorney's fees allowed therein and pay the same to the County treasury.

County engineer

Section 702. County Engineer. The office of County Engineer is hereby created. He shall be ex-officio Road Commissioner and Surveyor. He shall be a registered civil engineer of the State of California, who shall have had practical experience in road and other construction work prior to his appointment.

Controller

Section 703. Controller. The office of Controller is hereby created. The Controller shall be ex-officio Auditor. He shall be the chief accounting officer of the County, and shall exercise general supervision over the accounts, accounting forms and the method of keeping the accounts of all offices, institutions and departments under the control of the Board of Supervisors and of all districts whose funds are kept in the County treasury. The Controller shall also have power and shall be required to:

(a) Keep accounts showing the financial transactions of all offices, institutions and departments of the County and of those districts whose funds are kept in the County Treasury.

(b) Prescribe, subject to the Administrative Code of this County, the method of installing, keeping, and rendering accounts of and the financial reports to be rendered by such offices, institutions, departments and districts; have full access to all books of account, all records, contracts, correspondence and all other documents and papers pertaining to financial transactions of such offices, institutions, departments and districts, and it shall be the duty of any and all persons in possession of the same to exhibit them to the Controller on demand.

(c) Audit the accounts, books, money and securities of all such offices, institutions, departments and districts charged in any manner with the collection, custody, or disbursement of public or other funds:

(1) When requested by the Board of Supervisors, or the County Executive.

(2) On his own initiative at such times as he deems expedient.

(3) Upon the occurrence of any vacancy in any office charged with responsibility for such moneys or securities.

Audit monthly all accounts and moneys coming into the hands of the County Treasurer, and prescribe the frequency with which such offices, institutions, departments and districts shall deposit collections with the Treasurer. Make such audits of departmental revolving funds as may be prescribed by the Board of Supervisors. File copies of his report of all such audits with the County Clerk and the Board of Supervisors.

(d) Submit to the Board of Supervisors through the County Executive a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the County.

(e) Examine at least once in every six months all official bonds and investigate the sufficiency and solvency of the sureties thereon and report in writing thereon to the Board of Supervisors.

Purchasing agent

Section 704. Purchasing Agent. The Purchasing Agent, pursuant to rules and regulations established in the Administrative Code, shall contract for, purchase, store and distribute all supplies, materials, equipment or other articles of personal property required by any offices, institutions or departments of the County government The Purchasing Agent shall also have power and shall be required to:

(a) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their conformity to specifications.

(b) Have charge of such general storerooms and warehouses as may be provided for him

(c) Sell or otherwise dispose of surplus, obsolete or unused supplies, material or equipment, or transfer the same between offices, institutions or departments.

Director of Medical Institutions

Section 705. Director of Medical Institutions. The Director of Medical Institutions shall be a physician and surgeon who possesses training or experience in hospital administration.

He shall devote full time to his duties and shall have administrative supervision over the County hospital and other medical institutions and shall be responsible for the rendering of proper medical attention and service to the inmates of all County institutions. He shall be responsible for the medical duties of the Coroner, which are to be performed by a doctor of medicine with training in pathology and medico legal pathology.

Director of Public Health

Section 706. Director of Public Health The Director of Public Health shall be a physician and surgeon who possesses training and experience in public health administration. He shall devote full time to his duties and shall have administrative supervision over the health and sanitary services of the County.

ARTICLE VIII
Merit System

Merit basis

Section 800. Merit Basis of Appointment. Appointments and promotions in the administrative service of the County shall be made according to merit and fitness and from eligible lists to be established in accordance with the Merit System rules adopted in the manner provided in this Charter.

Unclassified and classified services

Section 801. Unclassified and Classified Services. Employment by the County shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. All elective County officers.
2. County Executive.
3. County Counsel.
4. One confidential secretary or administrative assistant to each of the following officers:

County Executive
District Attorney
Sheriff

5. All members of boards and commissions.
6. Positions filled by physicians or surgeons in the Department of Public Health or employed in clinics, institutions and hospitals operated by the County.
7. Persons employed to render professional, scientific, technical or expert service of an occasional or exceptional character.
8. All persons serving the County without compensation.
9. Persons employed to conduct a special inquiry, investigation, examination or installation, if the Board of Supervisors or the County Executive certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service.
10. Such temporary or seasonal employees as may be provided for by the Board of Supervisors under Merit System rules. Such employees shall not be entitled to vacation, holiday or sick leave benefits.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Director of personnel

Section 802. Director of Personnel. The Director of Personnel shall administer the Merit System. To be eligible for appointment he shall have had training and experience in personnel administration.

Same Powers and duties

Section 803. Powers and Duties of Director of Personnel. It shall be the duty of the Director of Personnel to:

(a) Hold all examinations for appointments in the Classified Service.

(b) Give publicity to all announcements of competitive examinations.

(c) Establish and administer a service rating system.

(d) Report at least once annually to the Personnel Board regarding the operation of the personnel provisions.

(e) Prepare Merit System rules for consideration by the Personnel Board and Board of Supervisors.

(f) Prepare, install and maintain a classification plan for approval by the Personnel Board and Board of Supervisors based on the duties, authority and responsibility of positions in the County service.

(g) Make wage surveys, at least annually, to determine salaries paid for comparable work by organizations and agencies other than the County.

(h) Receive and investigate grievances by County employees and complaints against such employees and report the results thereof to the County Executive.

Personnel Board

Section 804. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the Board of Supervisors from the qualified electors of the County, none of whom shall hold any salaried County office or employment. No member of the Board, during membership, or for a period of one year after he has ceased to be a member, shall be eligible for appointment to any salaried County office or employment. The members of the Personnel Board shall be nominated and appointed in the following manner:

Two members shall be appointed by the Board of Supervisors directly; two members shall be appointed by the Board of Supervisors from lists of persons nominated by the employees in the Classified Service of the County, such lists to contain three nominations for each position to be filled; and the fifth member shall be appointed by the Board of Supervisors from a list of three persons nominated by the four thus appointed. The successor of any member of the Board shall be nominated and appointed in the same manner as such member was nominated and appointed.

Same Powers and duties

Section 805. Powers and Duties of the Board. The Personnel Board shall have power and shall be required to:

(a) Approve Merit System Rules.

(b) Advise the Board of Supervisors and the Director of Personnel on problems concerning personnel administration.

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the County

service and report to the Board of Supervisors its findings, conclusions and recommendations. Same Powers and duties

(d) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal.

Section 806. Merit System. The Personnel Board shall hold a public hearing upon the Merit System rules recommended by the Director of Personnel at which all persons interested may be heard. After such hearing, the Board shall approve or reject such rules wholly or in part, or may modify them and approve them as so modified. The rules approved by the Board shall then be submitted to the Board of Supervisors, which shall approve or reject them wholly or in part, or may modify them and approve them as modified. When approved by the Board of Supervisors, the rules shall be adopted by ordinance. Thereafter such rules may be amended or repealed by following the same procedure. Such action may be initiated by the Executive Officer, the Personnel Director, the Personnel Board, or the Board of Supervisors. The rules shall include provisions for:

(a) Examinations of applicants for appointments in the Classified Service which shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek, and must take account of their character, training and experience.

(b) Standardization and classification of all positions in the Classified Service of the County, which classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to promote the filling of the higher grades so far as practicable, through promotion.

The preparation and maintenance of an up-to-date record of the authority, duties and responsibilities of each position in the Classified Service, with the proviso that no employee in the Classified Service shall be assigned responsibilities outside of his classification which carry a higher rate of compensation unless he be in training or unless such assignment be made as a substitution for an employee temporarily absent because of sickness or vacation, or in order to remedy a temporary emergency situation.

(c) Certification to the appointing authority of the three names standing highest on the appropriate eligible list for the purpose of filling a vacancy; the appointing power to appoint whichever one of the three thus certified, in his opinion, is best qualified for such position. In the case of the Personnel Director, the Board of Supervisors shall contract with a qualified public or private agency for the conducting of the examination in the preparation of an eligible list.

(d) Temporary appointments to meet emergencies, in the absence of an eligible list.

(e) Vacation and sick leave with pay.

(f) Original and promotional appointments which shall be for a probationary period of not less than six months, during

which the appointee may be rejected at any time without the right of a hearing before the Personnel Board as to original appointments, and with the right of such hearing as to promotional appointments.

(g) The filling of vacancies in higher positions in the Classified Services, insofar as practicable, from persons already occupying positions in the County service, following competitive examinations. Said examinations may be made to include persons not in the County service.

(h) In-service training.

Pay plan

Section 807 Pay Plan. The Director of Personnel shall prepare for the County Executive a standard schedule of pay for each class of position in the Classified Service. The County Executive shall submit the pay plan to the Board of Supervisors which shall consider the same. Rates of pay shall be established by the Board of Supervisors which are commensurate with those prevailing throughout the County for comparable work.

Retirement

Section 808. Retirement. The Board of Supervisors shall provide for the retirement and pension of County officers and employees or contract with the California State Employees Retirement System for such service.

Incumbents

Section 809. Present Employees Continued in Office. Any person holding a position or employment, either elective or appointive, which is included by this Charter in the Classified Service, who, on the effective date of the general provisions of this Charter, shall have served continuously in such position or in some other position included in the Classified Service, for a period of six months immediately prior to such effective date, shall assume regular status in the Classified Service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of the Merit System provided for in this Chapter. Any such person holding such an elective office shall assume regular status in the Classified Service at the expiration of his term of office.

Rights of officers and employees

Section 810. Rights of Officers and Employees. Any officer or employee holding a position under the Classified Service shall be subject to suspension without pay for a period of not to exceed thirty days in any one calendar year, or to demotion or to removal from his position, but subject to the rights of the employee, other than one serving a probationary period on an original appointment, to a hearing before the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished to the Director of Personnel for delivery to the Personnel Board. Such employee shall have ten days after receipt of such statement within which

to file an answer to such statement of charges should he desire to do so.

The answer shall be filed in the office of the Clerk of the Board of Supervisors and with the Director of Personnel for delivery to the Personnel Board. In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Personnel Board to review such suspension, demotion or removal which shall be called and held as provided for in the rules. Hearings shall be public, may be conducted informally and the rules of evidence need not apply.

The Personnel Board shall make written findings as to each charge. Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions and recommendations to the board or officer from whose action the appeal was taken, and to the County Executive and Board of Supervisors. The recommendations of the Personnel Board shall be advisory only to the board or officer having appointive power and the decision of such board or officer with respect to such recommendations shall be final and conclusive and no appeal shall be taken therefrom.

Where an appeal is taken to the Personnel Board from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Personnel Board and the board or officer having appointive power and may be filled only by a temporary appointment.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase to an individual, at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the County service, shall likewise be a demotion.

Prohibitions

Section 811. Prohibitions. All persons charged with the administration of the Merit System shall exercise their respective functions fairly, honestly, impartially and free from all corrupt practices, with the sole purpose and object to secure for the County service those persons who are best qualified by character, ability, training, experience and personality to fill the positions for which they may be selected. In addition to the penalties provided for in this Charter for violations of its provisions, a conviction of violation of any of the provisions of this Article shall require the immediate dismissal of the person guilty thereof, and he shall thereafter be ineligible for appointment to any position or employment in the County service.

Section 812. Political Activities Prohibited. No person holding any position in the Classified Service shall take an active part opposing or supporting any candidates in any County or municipal political campaign or make contributions thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of

any person for any County or municipal office. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office.

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against, because of race or religious belief.

No officer or employee of the County and no candidate for any County office shall solicit from anyone on the eligible lists or holding any position in the Classified Service any assessment, subscription or contribution, whether voluntary or involuntary, for the support or opposition of any candidate for any County or municipal office.

ARTICLE IX
Initiative, Referendum and Recall

Initiative, referendum

Section 900. Initiative and Referendum. The provisions of general law relative to the initiative and referendum, as they now exist or hereafter may be amended, may be invoked by the electors of this County.

Recall

Section 901. Recall The holder of any elective office may be recalled by the electors after he has held office six months, in the manner now, or as hereafter may be provided by general law.

ARTICLE X
Township Officers

Judicial townships

Section 1000. Judicial Townships The County shall be divided into judicial townships by the Board of Supervisors as required by general law. The number and boundaries of townships shall be altered as, in the opinion of the Board, public convenience may require. Each such township shall have at least one Justice of the Peace, who shall be elected in the manner provided by general law for a term of four years and shall hold office until his successor is elected and qualified

Employees in justice courts

Section 1001. Employees in Justice Courts All clerks and employees shall be appointed by the Justices of the Peace of each Court from eligible lists submitted by the Director of Personnel and shall perform all duties prescribed by law. Deputies and employees of a Justice Court shall not practice law before any Justice Court of the County.

Compensation

Section 1002. Compensation. The compensation of all Justices of the Peace and all Court employees shall be fixed by the Board of Supervisors and shall be in full for all services rendered and need not be uniform for the several townships Such officers and employees shall have the qualifications specified for their respective offices by general law. They shall give bond in the amount prescribed by the Board of Supervisors.

Constables

Section 1003. Constables. The Sheriff, as ex-officio Constable, shall designate one of his deputies to be Deputy Constable for each Justice's Court, along with such other duties as the

Sheriff may prescribe. In addition to other duties required of such deputies by law, they must serve civil process within their respective townships or elsewhere when so directed by the Sheriff. Deputy constables may be appointed to serve on a part-time basis.

Abandonment

Section 1004. Abandonment. If the State Legislature shall substitute another system of inferior courts for the system of Justices of the Peace, the Board of Supervisors shall exercise such powers regarding such new system as may be permitted by law, and shall modify or abolish the offices of Justices or Constables in accordance therewith.

ARTICLE XI
General Provisions

Fiscal procedure

Section 1100. Fiscal Procedure. (a) Except as otherwise provided by this Charter, the provisions of general law relative to the assessment, levy and collection of taxes, the holding of public hearings upon notice prior to the adoption of the annual budget, the appropriation and transfer of funds and all matters incidental thereto shall prevail.

(b) Preparatory Budget Procedure. The County Executive shall submit to the Board of Supervisors a proposed budget and an explanatory budget message by the thirty-first day of May of each year, commencing with 1952. He shall require each office, institution and department of the County, whether under an elective or appointive officer, board or commission, to submit budget estimates to the Controller on forms supplied by him for the next ensuing fiscal year.

The Controller shall compile such estimates and submit them to the County Executive who shall consult with such department heads and officers, check and investigate such estimates and may request additional information.

(c) Claims. If the purchase or furnishing of articles or services and their costs have been authorized by purchase order, issued by the Board of Supervisors, or by the Purchasing Agent, or other officer authorized by the Board in the Administrative Code, or if expenditures under the Welfare and Institutions Code have been ordered by the Board of Supervisors, claims therefor shall be audited and allowed by the Controller with the same force and effect as if audited and allowed by the Board. If any member of the Board of Supervisors requests in writing that payment of any individual claim, account, bill or invoice be deferred by the Controller, then the same shall not be paid until presented to and approved by the Board of Supervisors. At least once each week the Controller shall transmit to the Board of Supervisors reports of all claims allowed or rejected by him and not previously reported, giving such information with respect to such claims as is required in the Administrative Code. The Board of Supervisors shall prescribe in the Administrative Code the procedure for the filing, audit and disposition of claims, not in conflict with the provisions of this Charter.

Traveling expenses

Section 1101. Traveling Expenses. Whenever any person in the service of the County is authorized by the Board of Supervisors, or County Executive, to travel in the performance of his duty, he shall be reimbursed for his actual and necessary expenditures for mileage, transportation, lodging, and meals, in addition to his regular compensation An itemized account of such expenditures shall be filed with and approved by the Controller before payment. In the Administrative Code the Board of Supervisors shall fix a maximum price to be paid for such mileage, transportation, lodging and meals, which shall be applicable to all such persons alike, including members of said Board of Supervisors.

Preference

Section 1102. Preference to Residents. In the certification of eligibles for positions under the Merit System and the appointive positions outside of the Classified Service, preference shall be given to persons who are residents of this County, all other things being equal, and excluding special appointments prescribed in this Charter.

Attention to duties

Section 1103. Attention to Duties. Except as otherwise provided in this Charter, elective and appointive officers and their deputies and all other County employees, serving with compensation, are prohibited from engaging in any private practice or business during the regular business hours specified for the performance of their duties, and during such hours they shall devote all their time to the duties of their respective positions. The provisions of this section shall not apply to members of the Board of Supervisors or to Justices of the Peace or to other officers or employees exempted from its provisions by the Administrative Code.

Nepotism

Section 1104. Ineligibility to Hold Office. Relatives within the third degree, whether by blood or marriage, of any officer making an appointment pursuant to the provisions of this Charter, shall not be eligible for appointment by him to any office or employment. No member of the Board of Freeholders which framed this Charter shall be eligible to hold any office, position or employment in the County service which carries compensation, until after June 30, 1952.

Compensation by fees

Section 1105. No Compensation by Fees. All fees collected by officers and employees of the County or any township therein shall be deposited in the County Treasury, and no officer of the County or such township shall be compensated by fees.

Prior ordinance

Section 1106. Ordinances Continued. All ordinances, resolutions and rules of the Board of Supervisors, not inconsistent with this Charter, shall continue in full force and effect until amended or repealed.

Same

Section 1107. Ordinances Repealed. All ordinances, resolutions or rules of the Board of Supervisors, which are inconsistent with this Charter, are hereby repealed insofar as the same are inconsistent herewith.

Severability

Section 1108. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application

of such provision to other persons or circumstances, shall not be affected thereby.

Definitions

Section 1109. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "County" is the County of Santa Clara, and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the County of Santa Clara.

(c) "State" is the State of California.

Penalties

Section 1110. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Operative date

Section 1111. Schedule. This Charter shall become operative for the purpose of selecting a County Executive upon its approval by the Legislature, and for all other purposes ninety days following such approval. This Charter shall supersede the Charter ratified by the voters in November, 1948.

(SEAL)

FREDERICK A. WICKETT
Chairman
CECIL L. CARLYLE
Secretary

The undersigned members of the Board of Freeholders of the County of Santa Clara, State of California, elected at a special election in said County on the 6th day of June, 1950, to prepare and propose a charter for said County, pursuant to the provisions of Article XI, Section 7½ of the Constitution of California, have prepared and we do hereby propose the foregoing as and for a Charter for said County.

In witness whereof, we have hereunto signed our names in duplicate this 4th day of September 1950, and the Chairman and Secretary under the direction of the Board of Freeholders have affixed their respective signatures to each and every page of this instrument.

FREDERICK A. WICKETT, Chairman
AARON RICHARDS, Vice Chairman
PAUL T. GALLAGHER
CECIL L. CARLYLE
MARGARET B. CONNOR
RAYMOND J FISHER
JOSEPH B. JOSEPHSON
BERTHA S MASON
HARRY G. MITCHELL
PETER J. PASETTA
A. J. PRICE
C. L. RYSER
E. B. SCOTT
ALLAN M. STANDISH
WILLIAM L. WHIDDEN

Filed at the request of Frederick A. Wickett (Chairman) September 14, 1950, A. D., at 58 min. past 9 o'clock a.m.

CHAS. A. PAYNE, Recorder
E. B. O'BRIEN, Deputy Recorder
D. H.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

I, Chas. A. Payne, County Recorder of the above entitled County, do hereby certify that the foregoing is a full, true and correct copy of the original on file in my office,

WITNESS my hand and official seal this 11th day of December 1950.

CHAS. A. PAYNE, County Recorder
By SYL C. TULLY, Chief Deputy

and,

WHEREAS, The said proposed charter, as ratified as hereinbefore set forth, has been and now is presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration; 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 charter of the County of Santa Clara, as presented to and adopted and ratified by the electors of the said county as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as the charter of the said County of Santa Clara

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CHAPTER 175

Assembly Constitutional Amendment No. 59—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Article XIX thereof, relating to Chinese.

[Filed with Secretary of State June 7, 1951.]

Constitution Amendment Art XIX, re Chinese

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by repealing Article XIX thereof.

CHAPTER 176

Senate Joint Resolution No. 34—Relative to memorializing Congress to refuse the passage of H. R. 3348.

[Filed with Secretary of State June 8, 1951]

H R 3348

WHEREAS, The House of Representatives of the Congress of the United States will soon consider H. R. 3348, which is entitled "A bill providing for the suspension of annual assessment work on certain mining claims held by location in the United States, including the Territory of Alaska, and for recordation of all mining claims."; and

WHEREAS, H. R. 3348 includes the limitation that the assessment work expenditure may be made upon any one of a group of claims only where not more than 10 contiguous claims in any group of mining claims are held in common ownership; and

WHEREAS, H. R. 3348, which would authorize the Secretary of Interior and the Department of Interior to make certain rulings, is drafted in such a manner as to prevent the small miner from appealing such rulings to the courts; and

WHEREAS, The enactment of H. R. 3348 will result in the impairment of the rights of the small miners to locate and patent claims and to perform the assessment work necessary to hold such claims and will result in forcing the small miners from the public domain, thus opening the way for large companies to lease directly from the Department of Interior, the claims which were discovered and developed by the small miners; 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 respectfully memorializes and urgently requests the Congress of the United States of America to refuse the passage of H. R. 3348; and be it further

Resolved, That the Secretary of the Senate is hereby requested 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.

CHAPTER 177

Senate Concurrent Resolution No. 82—Relative to representation of legislators in the action entitled "Hatch v. Wildlife Conservation Board."

[Filed with Secretary of State June 11, 1951]

Hatch v. Wildlife Conservation Board Appearance of Legislative Counsel

WHEREAS, An action has been instituted in the Superior Court of the State of California in and for the County of Sacramento by Ernest E. Hatch and others against the Wildlife Conservation Board, being numbered therein 86779; and

WHEREAS, The Members of the Senate and of the Assembly who are duly appointed members of the Wildlife Conservation Board, and who are duly appointed members of the State Public Works Board, have been named as defendants in said action; and

WHEREAS, Said action involves the constitutionality of the Wildlife Conservation Act of 1947 which has been the recent subject of litigation in the Supreme Court of this State; now, therefore, be it

Stats 1947, p 2881

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Counsel be and he is hereby requested and directed to appear in such action upon behalf of the legislators named as defendants therein, for the purpose of representing the interest of the Legislature in respect to the service of Members of the Legislature on the State Public Works Board and the Wildlife Conservation Board, either as attorney for said legislators or in such other capacity as he deems proper; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Legislative Counsel.

CHAPTER 178

Senate Concurrent Resolution No. 83—Approving certain amendments to the charter of the City of Oakland, 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 fifteenth day of May, 1951.

[Filed with Secretary of State June 11, 1951.]

City of Oakland Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of 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, Clifford E Rishell, 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). Certificate

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. 26260 C.M.S. passed March 22, 1951, duly and regularly proposed and submitted to the qualified electors of said City, six (6) certain proposals designated as Propositions 1 to 6, inclusive, 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 15th day of May, 1951. 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 26260 C.M.S. passed March 22, 1951, consolidated said special municipal election with the General Municipal Election to be held in said City on the 15th day of May, 1951.

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 General Municipal Election on the 15th day of May, 1951, which said day was not less than forty or more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," the official newspaper of said City.

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 Oakland, on the 4th day of April, 1951, 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 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 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 4th day of April,

1951, and on each day thereafter to and including the 15th day of May, 1951, 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 proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the said amendments 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 Council of the City of Oakland, charged with the duty of canvassing the returns and declaring the results of said consolidated elections, duly and regularly met on the 18th day of May, 1951, and the 21st day of May, 1951, at its usual place of meeting, to-wit, the Council Chambers in the City Hall in the City of Oakland, and did then and there duly and regularly canvass the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 22nd day of May, 1951, at its usual time and place of meeting, said Council by its Resolution No. 26601 C M S, duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 2, 5 and 6 was ratified by a majority of the qualified electors of said City voting thereon, and that each of said proposed amendments to said Charter, designated as Propositions 1, 3 and 4 received less than a majority of the votes of the qualified electors voting thereon, and was not ratified.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION 2

Add Sections 21a and 39a to the Charter to read respectively as follows:

MAYOR AN ELECTIVE OFFICER.

Mayor to be elected

Sec 21a. Notwithstanding any other provision of this Charter to the contrary, the provisions of this section shall govern as to the office of Mayor. Commencing on July 1, 1953, and

thereafter, the Mayor shall be an elective officer of the City, and shall hold office for a term of four years, and until his successor is elected or appointed and qualified, unless sooner removed from office by Recall or otherwise. The mode of nomination and election of the Mayor shall be as provided in this Charter for the nomination and election of other elective officers of the City. The Mayor shall be elected on a general ticket from the City at large. The office of Mayor shall be arranged on the ballot in a separate column and shall be first in order of arrangement. To be eligible to the office of Mayor, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the City of Oakland for a continuous period of at least four years next preceding his nomination. The provisions of this Charter applying to the other elective officers of the City and providing for the manner of selecting a candidate to fill office in the event of a tie vote shall apply to the office of Mayor. If a vacancy shall occur in the office of Mayor, the Council shall appoint a person to fill such vacancy, and the provisions of Section 12.(1) of this Charter shall apply to such appointment. Except to the extent that they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Mayor shall apply to the Mayor provided for by this section. The Mayor shall receive an annual salary of Seventy-five Hundred Dollars ($7,500.00) payable in equal monthly installments, and without any additional compensation or fees provided for by Section 15(8) of this Charter It is hereby declared to be the intent of this section that the only changes to be effected by its terms are to make the Mayor an elective officer and to provide the salary therefor in this section stated.

COMPOSITION OF THE COUNCIL.

Council

Sec. 39a. Notwithstanding any other provision of this Charter to the contrary, the provisions of this section shall govern as to the matters hereinafter in this section contained. Commencing on July 1, 1953, the Council shall consist of the Mayor, seven Councilmen nominated from districts and one Councilman-at-Large nominated at large. Such eight Councilmen shall all be elected by the qualified electors of the City at large in the manner elsewhere in this Charter provided. Upon the expiration of the four year term of office of the Councilman-at-Large elected in 1949 such office of Councilman-at-Large shall cease to exist. From and after July 1, 1953, all provisions of this Charter which are inconsistent with the provisions of this section shall be deemed amended or repealed whichever is appropriate.

PROPOSITION 5.

Add Section 88a to the Charter to read as follows:

POLICEWOMEN.

Policewomen

Sec. 88a. Notwithstanding any other provision of this Charter to the contrary, there is hereby created the rank of

Policewomen in the Police Department. There shall be such number of positions of Policewomen as in the judgment of the Council the needs of the service may require, and the Council shall have the power to fix the compensation thereof. Such Policewomen shall be appointed by the City Manager, subject to the Civil Service provisions of this Charter. The Civil Service Board shall have the power to fix the age limits and other qualifications for appointment to such positions. All persons appointed to the rank of Policewomen shall be members of the Police Department. There shall be no promotion made from the rank of Policewomen.

PROPOSITION 6.

Add Sections 96c and 104c to the Charter to read respectively as follows:

NO BENEFITS BASED ON AWARD OF INDUSTRIAL ACCIDENT COMMISSION.

Pensions. Limitation

Sec. 96c. No pension shall be paid under this Article on the basis of an award by the Industrial Accident Commission of the State of California

NO BENEFITS BASED ON AWARD OF INDUSTRIAL ACCIDENT COMMISSION.

Same

Sec. 104c. No pension shall be paid under this Article on the basis of an award by the Industrial Accident Commission of the State of California.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 24th day of May, 1951.

(SEAL)

CLIFFORD E. RISHELL
Mayor of the City of Oakland
CHARLES M. DON
City Clerk of the City of Oakland

WHEREAS, The said proposed amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection 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; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said

amendments 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 are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 179

Assembly Joint Resolution No. 38—Relative to the reopening of Birmingham General Hospital.

[Filed with Secretary of State June 12, 1951]

Reopening of Birmingham General Hospital

WHEREAS, Many of the residents of the City of Los Angeles and surrounding cities and communities have been inducted into the armed forces and the personnel of the 40th Division, a California National Guard unit recently federalized, was recruited from the same area, and casualties from the Korean campaign are now reaching the mainland in increasing numbers; and

WHEREAS, There is a critical and desperate need in and around the City of Los Angeles for medical facilities available to servicemen and their families, and the closest available facilities are now at Fort MacArthur and Camp Pendleton; and

WHEREAS, From the standpoint of practical economy it is logical that Birmingham General Hospital can be reopened at a minimum cost to the government, when compared with the cost and time required to provide new buildings; and

WHEREAS, Recent surveys by federal and local authorities indicate an estimated life for the buildings at Birmingham General Hospital of from 10 to 25 years and the site of Birmingham General Hospital at Van Nuys, California, was selected by the Army on account of its agreeable climate, accessibility to rail facilities and centers of supplies, and the surrounding comprehensive highway system; and

WHEREAS, The same favorable conditions still exist and have been enhanced in recent years by developments such as the enlargement of the Van Nuys Airport to accommodate airplanes of the Constellation type; and

WHEREAS, The growth of the area surrounding Birmingham General Hospital will afford adequate housing and transportation for the members of the staff of the hospital, if it is reopened, as well as for the families of patients wishing to reside near the hospital; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Defense to reopen the facility known as Birmingham General Hospital at Van Nuys, California, in order to provide adequate and convenient hospitalization to servicemen and their families in Southern California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 180

Assembly Concurrent Resolution No. 89—Approving six certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the twenty-ninth day of May, 1951.

[Filed with Secretary of State June 12, 1951.]

City of Los Angeles' Charter amendments.

WHEREAS, Proceedings have been taken and had for the adoption and ratification of six amendments, hereinafter set forth, to the charter of The City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California }
County of Los Angeles } ss.
City of Los Angeles }

Certificate.

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million seven hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

Certificate

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles, certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held for that purpose on the 29th day of May, 1951, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, and 6, respectively.

That on the 11th day of April, 1951, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 11, 1951, in "The Los Angeles Daily Journal and The Los Angeles News", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 11, 1951, to and including May 29, 1951; and a notice was advertised and published on and from April 11, 1951 to and including May 29, 1951, in "The Los Angeles Daily Journal and The Los Angeles News", a newspaper of general circulation in said City that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 29, 1951, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments numbers 1, 2, 3, 4, 5, and 6 voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on June 6, 1951, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

CHARTER AMENDMENT NO. 1

The Charter of the City of Los Angeles is hereby amended by repealing Sections 4, 4.1, 238.10 and 238.11, and by amending Sections 238.8, 238.9, 239.1 and 239.8 to read as follows:

Power of board

Sec. 238.8. The Board shall have power to grant franchises, permits and licenses to, and to enter into leases with, any person, firm or corporation, or agency of the government for the use of any municipally owned or controlled airport or any part or facility thereof, for the promotion and accommodation of air commerce and air navigation, or use incidental thereto, together with the right to use said airport in common with others as necessary to the right granted.

The Board shall likewise have power to enter into leases with any person, firm or corporation for purposes other than for the promotion and accommodation of air commerce and air navigation covering any portion of the airport property whenever the Board shall determine that the use of such portion of the airport property is not necessary for the promotion and accommodation of air commerce and air navigation or use incidental thereto.

Same Terms conditions rentals, etc

Sec. 238.9. All such franchises, permits, licenses and leases shall be granted and entered into subject to such terms and conditions and such rentals or compensation as the Board in its discretion may prescribe. Every such franchise, permit, license or lease granted or entered into for a definite period of time shall be made by order and if made for a period of five (5) years or less such order shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication. If made for a longer period than five years the same shall be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within thirty (30) days after such franchise, permit, license or lease shall have been submitted to it. If the Council shall approve the same, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of the city; if the Council shall fail to disapprove any such franchise, permit, license or lease within said period of thirty days, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of said city. Every such order granting a franchise, permit, license or lease for a period of time greater than five years shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

No such franchise, permit, license or lease shall be made for a term or period greater than fifty (50) years, and the same shall be subject to a readjustment of the rental or compensation at least every ten (10) years during the term thereof upon such procedure as shall be prescribed in the instrument granting such franchise, permit, license or lease.

Sec. 239.1. The general manager of the Department of Airports shall be exempted from the civil service provisions of this charter Exemption

Sec 239 8. All appropriations from the general funds of the city for the use of the Department of Airports and all moneys received or collected from or arising out of the use or operation of any airport or portion thereof, or airport facility owned, operated or controlled by The City of Los Angeles including all tolls, charges, rentals, fees or other compensation collected by the Department of Airports shall be deposited in the city treasury to the credit of the airport revenue fund, which said fund shall be kept separate and apart from all other moneys of the city and shall not be subject to the provisions of Section 382 of this charter. All moneys appropriated from the general fund shall be used only for the purposes for which appropriated. All other moneys in said airport revenue fund shall be used only for the following purposes: Disposition of airport funds

(1) For putting into effect and carrying out the powers vested in the Board of Airport Commissioners under the provisions of this charter;

(2) For the promotion of air commerce, air navigation and the use of any airport owned or operated by the city;

(3) For the payment of the principal or interest, or both, upon any bonds issued for the purpose of the acquisition, construction and improvement of any airport owned or operated by the city;

(4) To return and pay into the general fund of the city from any surplus money in said airport revenue fund any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for the acquisition, construction and improvement of any airport owned or operated by the city;

(5) To return and pay into the general fund of the city or the appropriate fund of any of its departments any sum properly chargeable to the Department of Airports for use of any property furnished or services performed therefor by other city departments;

(6) To meet liabilities incurred in connection with the operation of the department;

(7) To pay the cost of performing additional duties imposed upon the Department of Airports by ordinance;

(8) For defraying the expenses of any pension system applicable to the employees of the department that has been or may be established by the city.

Sections 4, 4.1, 238.10 and 238.11 of this charter are hereby repealed.

CHARTER AMENDMENT NO. 2

The Charter of The City of Los Angeles is hereby amended by amending Section 501 thereof to read as follows:

Definitions

Sec. 501. Definitions.

For the purpose of this Article, the following words and phrases shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated by the context:

"Accumulated Contributions": Shall mean the total of the amounts paid into the fund by deduction from the employee's salary, together with regular interest thereon.

"Annuity": Shall mean payments for life derived from the accumulated contributions of a member as provided in this Article.

"Beneficiary": Any person receiving or entitled to receive, any benefit provided by this Article.

"City Service" or "Service": Service rendered as an employee of the city for compensation, and for the purpose of this Article a person shall be considered as being in the city service only while he is receiving compensation from the city for such services.

"Compensation Earnable": Shall mean the full salary, wage, or compensation established for any position or office in the city service for the particular period involved in any calculation required; provided, however, that in the case of any such salary, wage, or compensation in excess of Five Hundred Dollars ($500.00) per month, compensation earnable shall mean that portion thereof not exceeding sixty percent (60%) of the highest salary, wage, or compensation established for any office or position to which appointment may be made under Section 109 of this Charter.

"Continuous Service": As applied to prior service means all prior city service regardless of interruptions in such service; and as applied to service as a member it shall mean uninterrupted city service except that discontinuance of such service of a member for any cause whatever, followed by re-entrance into the city service within three years from the date of such discontinuance, shall not be considered as a break in the continuity of service.

"Employee": Shall mean every person in the employ or service of the City of Los Angeles in any capacity or rank whatever at a regular salary, wage or compensation, and regardless of whether the position held by any such person is classed as an office or employment.

"Final Compensation": Shall mean the average annual compensation earnable by a member for city service during his last five years of city service, or during any other five consecutive years of city service, since he last became a member, which such member shall designate.

"Member": Any person included in the membership of the Retirement System under the provisions of Section 502. In addition to periods of city service for compensation, such membership shall continue during such temporary period or periods in which a member is not receiving compensation, as the Board of Administration may by rule determine.

"Prior Service": The city service of an employee, as defined herein, at any time before the 1st day of July, 1937; provided, that no credit for such service shall be allowed to any person entering city service after the 1st day of July, 1947, except in the case of a former member returning to such service and resuming membership in the Retirement System.

"Regular Interest": Interest upon the accumulated contributions of the members at such rate as the Board of Administration may deem proper in the light of the earnings on the Retirement Fund, such interest to be credited to the individual account of each member as of the last day of June and December of each year.

"Reserve Basis": A system which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid.

CHARTER AMENDMENT NO. 3

Section 220.1 of the Charter of The City of Los Angeles is amended to read:

Sec. 220.1. The Department of Water and Power shall also have the power and duty: Department of Water and Power Employee security plan

(1) To establish and maintain within said Department a general plan and system of retirement, disability, and death benefits, and, in cooperation with its eligible and participating employees, to provide currently out of the Water Revenue Fund and the Power Revenue Fund a portion of the cost under said plan and system, including expenses incident to the administration thereof, subject, however, to the following provisions, to wit:

(a) That such plan and system shall be maintained in accordance with sound business practices and recognized actuarial methods, and the respective contributions of said employees and said Department, whether prescribed by present or future provisions of said plan and system, may be modified or adjusted, subject to the direction and approval of the Board of Water and Power Commissioners, whenever the Board of Administration, as hereinafter designated, shall find that said business practices or said actuarial methods require such modification or adjustment;

(b) That all benefits under the retirement feature of said plan and system shall be based upon the monthly salary for each year of active service in said Department earned by the employee from the effective date of said plan and system to the date of retirement, and upon the average monthly salary earned by the

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employee during the year immediately preceding said effective date, and upon the number of years of active service of the employee in said Department prior to said effective date, and upon such minimum retirement benefits as the provisions of said plan and system may prescribe; provided, however, that no employee with less than ten years of service in said Department prior to normal retirement date shall receive the benefit of any such minimum; and provided, further, that no retirement benefits shall be based or calculated upon any portion of salary in excess of a sum equal to 60 per cent of the highest salary established for any position to which appointment may be made under section 109 of this charter;

That in addition to sharing the cost of retirement benefits based upon the provisions of the next preceding paragraph hereof, said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That all benefits under the disability and death benefit features of said plan and system shall be based upon the monthly salary earned by the employee; provided, however, that no such benefits shall be based or calculated upon any portion of salary in excess of a sum equal to 60 per cent of the highest amount of salary allowable hereunder for the computation of retirement benefits;

(c) That the normal retirement date for employees of said Department shall be the first day of the calendar month which next follows the sixtieth birthday anniversary for women and the sixty-fifth birthday anniversary for men;

That said Department shall not employ nor retain in its employment any man or woman subsequent to his or her normal retirement date, except for special reason, and unless recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners;

That any employee eligible to participate in the benefits of said plan and system may be retired from the service of said Department prior to normal retirement date upon the written application of the employee; provided, that such retirement is

recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners, and provided further, that the employee is a female fifty-five years of age or over, or is a male sixty years of age or over, and shall have been employed in said Department for at least ten years in the twelve years immediately preceding retirement; or the employee, regardless of age or sex, shall have been employed in said Department for at least thirty years; or the employee, regardless of age, sex or duration of service, is receiving benefits under said plan and system for permanent total disability, and elects to accept a retirement allowance in lieu of such benefits The amount of retirement allowance payable to any employee shall be determined actuarially on the basis of his accumulated credits and his age at the time of retirement; Employee security plan

(d) That subsequent to its effective date such plan and system shall be binding in its entirety upon all employees who thereafter enter the service of said Department and who are eligible under the terms of said plan and system to participate in the benefits thereof; provided, that employees of any private utility, who shall enter said service subsequent to said effective date through the acquisition by said Department of works and property of such utility, shall not be bound by said plan and system, unless such employees elect to subscribe thereto within six months after they shall have entered said service; and provided further, that under no circumstances shall persons employed by said Department to render services of an intermittent or occasional character be eligible to the benefits of said plan and system;

That any employee, who shall have been excluded from participation in the benefits of said plan and system on account of his failure to subscribe thereto within the limit of time heretofore fixed by charter provision or on account of his employment by said Department to render services of a temporary character, shall hereafter be permitted to participate in said benefits upon such terms and conditions and subject to such limitations as the provisions of said plan and system may prescribe;

(e) That said plan and system, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall be managed and administered by a Board of Administration, which shall be composed of four ex officio and three elective members. The ex officio members shall consist of two members of the Board of Water and Power Commissioners to be selected by said Board, the General Manager and Chief Engineer of said Department (or, should the work of said Department be divided into two bureaus, the general manager of each such bureau, one member of the Board of Water and Power Commissioners to be selected by said Board), and the Chief Accounting Employee or the Auditor of said Department, whichever the Board of Water and Power Commissioners may designate. The elective members shall consist of three employees of said

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Department who are contributing members of said plan and system. The members of said Board of Administration shall serve thereon without compensation;

That the elective members of said Board of Administration shall be elected thereto by the contributing members of said plan and system, and shall hold office for a term of three years and until their successors have qualified. The rules and regulations governing the holding of such elections shall be prescribed by the Board of Water and Power Commissioners. In case any vacancy occurs among said ex officio members, the Board of Water and Power Commissioners shall fill such vacancy by appointment; and in case any vacancy occurs among said elective members, the Board of Administration shall, by resolution adopted by not less than five affirmative votes, fill such vacancy for the unexpired portion of the term;

That said Board of Administration, subject to such rules, regulations and instructions as may from time to time be prescribed by the Board of Water and Power Commissioners, shall have exclusive power and authority over the administration and investment of those certain funds which pertain to said plan and system and which are hereinafter more particularly specified in subdivision (f) hereof; provided, however, that any money in such funds shall be kept on deposit with the Treasurer of the city, or be invested only in bonds or securities legal for investment by savings banks or public funds in the State of California, or in bonds or securities legal for investment by savings banks in the State of New York, or the State of Massachusetts, or in bonds issued by the Department of Water and Power, whether in its own name or in the name of the City of Los Angeles, and made payable out of the Water Revenue Fund or the Power Revenue Fund. All bonds or other securities acquired for the account of said plan and system shall be placed in the custody of said Treasurer;

(f) That the following funds shall be maintained: the Water and Power Employees Retirement Fund, the Water and Power Employees Disability Fund, and the Water and Power Employees Death Benefit Fund. The money deposited in each such fund shall be kept separate and apart from all other money on deposit with the Treasurer, and shall be drawn only from said funds upon demands authenticated by the signature of the Chief Accounting Employee of the Department of Water and Power, who shall also be the Chief Accounting Employee of said Board of Administration; provided, however, that the Board of Water and Power Commissioners by resolution may designate an employee or employees with full power to perform the duty of authenticating said demands as aforesaid in the place of the said Chief Accounting Employee in the event of his temporary absence or other inability to act;

There shall be paid into the said Water and Power Employees Retirement Fund all earnings from the investment thereof and all interest earned thereon, there shall be paid into the said Water and Power Employees Disability Fund all

earnings from the investment thereof and all interest earned thereon; and there shall be paid into the said Water and Power Employees Death Benefit Fund all earnings from the investment thereof and all interest earned thereon; Employee security plan

All contributions of employees and the Department under the retirement features of said plan shall be paid into the Water and Power Employees Retirement Fund; all contributions of employees and the Department under the disability features of said plan shall be paid into the Water and Power Employees Disability Fund; and all contributions of employees and the Department under the death benefit features of said plan shall be paid into the Water and Power Employees Death Benefit Fund. No liability hereunder shall attach to the Board of Water and Power Commissioners, and no responsibility of any character shall accrue against the Department of Water and Power beyond its current contributions to said plan and system, which, together with all benefits thereunder, shall be subject to modification and adjustment as hereinafter provided to meet changed conditions, or, as in the light of experience, may be considered necessary;

(g) That such Board of Administration shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of said plan and system, and said Board, subject to the direction and approval of the Board of Water and Power Commissioners, shall from time to time amend said plan and system in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary;

(h) That the foregoing provisions of this section shall control over all civil service provisions of this charter and rules and regulations adopted thereunder in conflict herewith.

(2) That in addition to the purposes specified in Section 221 of this charter, money in or belonging to the Water Revenue Fund and the Power Revenue Fund may be used for the purpose of paying, in cooperation with the eligible and participating employees of the Department, a portion of the costs of retirement, disability, and death benefits and of the expense incident to the administration of the plan, under a general benefit plan and system for such employees, established and maintained pursuant to the provisions of this section.

CHARTER AMENDMENT NO. 4

Section 111 of the Charter of The City of Los Angeles is amended to read:

Sec. 111. The provisions of this article shall apply to all departments, divisions and offices of the city government, including therein all employees of the city, except that the following shall be exempt therefrom, to wit: Application of article

All officers elected by the people.

All members of the several boards

The secretary to the Mayor.

Application of article

The chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The General Manager who is the Chief Engineer of the Department of Water and Power, and two Deputies of said General Manager; provided that if the work of that Department be divided into two bureaus as provided elsewhere in this Charter, then there shall be exempted the General Manager who is the Chief Engineer of the Bureau of Water Works and Supply and the General Manager who is the Chief Electrical Engineer of the Bureau of Power and Light, and a Deputy of the General Manager of each of the two Bureaus.

The Auditor and the Cashier of the Department of Water and Power.

Four persons employed to render services in the Department of Water and Power as assistants or deputies, at a position level in any supervisory line of authority in said Department higher than any position existing under the classified civil service in said line of authority, or as members of the staff, of the General Manager of that department, or as they may be divided by action of the Board of Water and Power Commissioners between the respective General Managers if the work of that Department be divided into two bureaus; provided that each such person must, at the inception of such exempt employment, hold a position in the Department of Water and Power under the classified civil service provisions of this charter, and must have held one or more such positions for an aggregate period of fifteen years or more, and provided further that the exemption of each such person shall be declared by the Board of Water and Power Commissioners.

The Chief Engineer of the Department of Public Utilities and Transportation.

The Traffic Manager and Port Warden of the Harbor Department.

The Inspector of Public Works.

All physicians appointed by the Health Board.

All officers of election

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards

Persons or positions elsewhere specifically exempted by the provisions of this charter

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the request of the head of the department, division or office in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Any of the following persons may be exempted from the provisions of this article upon the request of the head of the department, division or office in which they are employed,

by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to wit: (a) the first and second deputies in any department, division or office, or either of such deputies, where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings. In the same manner there may be exempted in any department, division or office any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of such department, division or office for entering level clerical positions. Any exemption made under the provisions of this paragraph may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Each and every person so exempted shall, during the period of such exempt employment, be considered as being on leave of absence from the classified civil service if at the time of such exemption he holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in such position in the classified civil service.

CHARTER AMENDMENT NO. 5

Sections 5 and 355 of the Charter of the City of Los Angeles are amended and Sections 50, 51, 52 and 354.1 are added to the said charter to read as follows:

Sec. 5. The officers of the City shall be: City officers

A Mayor,
The Members of the Council,
A City Attorney,
A City Clerk,
A Controller,
A City Engineer,
A City Administrative Officer,
A Purchasing Agent,
A Secretary of the Board of Public Works,
A Treasurer,
The Members of the Board of Education,
A City School Superintendent,
The Members of the Boards of the Departments and the Chief Administrative Officer of each Department.
Such other officers as shall be named by ordinance.

Sec. 50. City Administrative Officer.

There shall be a City Administrative Officer who shall be appointed by the Mayor, exempt from Article IX of this Charter, subject to confirmation by the Council.

The City Administrative Officer shall have administrative and executive ability as demonstrated by five years experience at the executive or administrative level, within ten years immediately preceding appointment to the position of City Administrative Officer.

He shall be paid a salary commensurate with his responsibilities as the City Administrative Officer of the City.

The City Administrative Officer shall be appointed by the Mayor, subject to the approval of the Council. The City Administrative Officer may be removed by the Mayor subject to the consent of the Council by majority vote of its members or by the Council by a vote of two-thirds of all of its members without the consent of the Mayor. Before removal by either the Mayor or the Council, the City Administrative Officer must be served with a written notice setting forth the grounds for his removal Within five days from the receipt of such notice the City Administrative Officer may demand in writing that he be afforded a public hearing on the matter of his removal. The Mayor, or the Council if the notice is given by the Council, shall set a date for a public hearing not less than ten days nor more than twenty days from the receipt of the written demand by the City Administrative Officer for a public hearing. Within five days after the conclusion of such public hearing the Mayor, or the Council if the public hearing is before the Council, shall make and file with the City Clerk a written order for the removal of the City Administrative Officer, otherwise the written notice setting forth the grounds for removal shall be ineffectual for any purpose. If the order for removal is made by the Council, it must be authorized by a vote of two-thirds of all of its members. The removal of the City Administrative Officer after a public hearing shall become effective upon the filing of the written order for removal with the City Clerk. If the City Administrative Officer does not demand a public hearing, as provided in this section, his removal shall become effective at the expiration of five days from service upon him of the written notice setting forth the grounds for his removal. Service of such notice may be personal or by registered mail addressed to the City Administrative Officer at his official office address.

The City Administrative Officer shall have the power to appoint and remove two Assistant City Administrative Officers, exempt from Article IX of this Charter.

City administrative officer

Sec. 51. (1) The City Administrative Officer shall keep the Mayor and the Council advised of the condition, finances and future needs of the City, and, from time to time, make such recommendations concerning the same as he shall deem expedient. He shall assist in the preparation of the annual budget in accordance with such policies as may be prescribed by the Mayor, and in directing the development of work programs and standards required in the proper planning thereof.

(2) The office of the Director of the Bureau of Budget and Efficiency is hereby abolished The City Administrative Officer shall succeed to the powers and duties of the Director of the Bureau of Budget and Efficiency.

(3) The City Administrative Officer shall plan and direct:

(a) A system of budgetary administration to assure the proper and effective expenditure of funds;

(b) Research in administrative management for the improvement of the organization, policies and practices of the City Government;

(c) Procedures and establish forms which will provide efficiency and economy in the conduct of City business.

(4) Requests from Officers and General Managers to the Board of Civil Service Commissioners for leaves of absence for personnel in their respective offices and departments shall first be submitted to the City Administrative Officer and he shall make a report and recommendation thereon to the Board of Civil Service Commissioners.

(5) The City Administrative Officer, subject to the approval of the Mayor, shall prescribe rules and standards governing the matters under his jurisdiction and all officers and departments of the City shall comply therewith.

(6) The powers and duties of the City Administrative Officer and the provisions of this section shall not extend or apply to the Departments of Water and Power, Harbor, or Airports

(7) The Council shall, by ordinance, fix the salary of the City Administrative Officer and the two Assistant City Administrative Officers provided for in Section 50.

(8) The City Administrative Officer shall perform such other duties as may be required of him by the Mayor, or the Council by ordinance, consistent with this Charter.

Same
Temporary transfers of personnel

Sec. 52. The City Administrative Officer may make temporary transfers of personnel, not to exceed 120 days in any calendar year, from one office or department to another, except the Departments of Water and Power, Harbor, and Airports, to relieve temporary shortages in personnel, or meet temporary demands for additional personnel caused by temporary or seasonal requirements in any office or department. The compensation of personnel so transferred shall be a charge upon the office or department to which such personnel are transferred for the period of such transfer.

In the event of objection in writing to such temporary transfer by any of the appointing authorities involved the matter shall be referred to the Mayor for determination whether or not such transfer shall be made.

Transfers of funds

Sec. 354.1. Transfers of funds appropriated in the general City budget by the Council for expenditure by any officer, board, or department may be made, and their expenditure for the same or other purposes by other officers, boards, or departments authorized and the budget amended accordingly:

(a) Upon recommendation of the City Administrative Officer, approved by the Mayor and a majority vote of the Council; or

(b) Upon a majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote.

Application for transfer

Sec. 355. (1) The head of any department not having control of its own funds may make application in writing to the

City Administrative Officer for a transfer of amounts from one appropriated item to another in the budget allowance of the department of which he is head, or to a new item created subsequent to the adoption of the annual budget. On the approval of the City Administrative Officer, the Controller shall make such transfer; provided, however, that no transfer of an amount exceeding five thousand dollars ($5000 00) shall be made unless approved by the Mayor and by a majority vote of the Council. In the case of requests for transfer of funds, where the amount exceeds five thousand dollars ($5000.00) the City Administrative Officer shall investigate the same and make a report and recommendation thereon to the Mayor and the Council.

(2) The general manager of any department having control of its own funds may make application in writing to the board having control and management over such department for a transfer of amounts from one budget item to another in the annual budget of the department of which he is such general manager, or to a new item created subsequent to the adoption of the annual budget. On the approval of such board the Controller shall make such transfer; provided, however, that no transfer of an amount exceeding five thousand dollars ($5000.00) shall be made unless approved in writing by the Mayor.

CHARTER AMENDMENT NO. 6

The Charter of The City of Los Angeles is hereby amended by adding thereto Section 508.1 to read as follows:

Retirement allowance

Sec. 508.1. From and after the effective date of this section, every member retired pursuant to the provisions of Sec. 508 hereof, and who on the effective date of such retirement is sixty-five (65) years of age or over, shall receive such additional pension that his total retirement allowance shall be not less than Sixty Dollars ($60) per month for ten (10) years of service retirement credit, plus an additional Two Dollars ($2 00) per month for each additional completed year of such credit, up to a maximum of One Hundred Dollars ($100) per month for thirty (30) or more years of such credit.

The provisions of this section shall apply to all persons retired pursuant to said Sec. 508 prior to the effective date of this section as to all future retirement allowance payments, but this section does not give to any such retired member, or his successors in interest, any claim against The City of Los Angeles or the City Employees' Retirement Fund for any increase in any retirement allowance paid or payable for any time prior to the effective date of this section.

We further certify that we have compared the text of 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, complete and exact copies thereof, and of each of them.

That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of The City of Los Angeles to be affixed hereto this 6th day of June, 1951.

(SEAL)

HAROLD A. HENRY
President of the City Council
of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of
Los Angeles

and

WHEREAS, The said proposed 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 the 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 of the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the City of Los Angeles 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 said the City of Los Angeles.

CHAPTER 181

Senate Concurrent Resolution No. 88—Relative to the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State June 14, 1951]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 23 of the Joint Rules of the Senate and Assembly for the 1951 Regular Session of the California Legislature be amended to read:

Passage of bills prior to adjournment sine die

23. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within five days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget 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).

CHAPTER 182

Senate Concurrent Resolution No. 89—Congratulating Dr. John W. Cline on his selection as President of the American Medical Association.

[Filed with Secretary of State June 14, 1951.]

Dr John W Cline

WHEREAS, The Members of the Senate and Assembly have learned of the recent designation of Dr. John W. Cline of San Francisco as the new President of the American Medical Association; and

WHEREAS, Dr. Cline is a native of Santa Rosa; and

WHEREAS, The entire State of California is proud of the recognition of its high medical standards which is implicit in the selection of a former President of the California Medical Association to fill this high national position; and

WHEREAS, The selection of Dr. Cline is also in recognition of his high personal attainment as a surgeon, medical leader, and important civic figure; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members extend their congratulations to Dr. Cline and wish him well as the President of the American Medical Association; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a suitable copy of this resolution to Dr. John W. Cline.

CHAPTER 183

Assembly Concurrent Resolution No. 66—Relative to the declaration of August 16, 1951, as Loyal Order of Moose Day in California.

[Filed with Secretary of State June 15, 1951.]

Loyal Order of Moose Day

WHEREAS, The Loyal Order of Moose is a world-wide organization dedicated to philanthropic, charitable and community services; and

WHEREAS, This great fraternal organization has sponsored and created Mooseheart, the child city, where the orphaned children of its membership are given an education and the further protection of a position in life; and

WHEREAS, This great fraternal organization invites the mothers or living parents of the children to reside with their loved ones during the tender and growing years of their development; and

WHEREAS, This great fraternal organization in addition to its outstanding educational facilities, and, by the grace of Almighty God, looks after the spiritual development of the children as well, and recently, in its dedication of the House of God at Mooseheart, offered to all faiths the privileges and use of the

House of God in the manner that their individual consciences dictate; and

WHEREAS, This great fraternal organization is developing a beautiful home for its aged members known as Moosehaven, in the State of Florida, where the senior citizens of this great lodge are protected and live in dignity and fulfillment of their lives as Almighty God ordained; 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 congratulates every member of the Loyal Order of Moose and the women of the Moose on their setting aside August 16, 1951, for a conference and initiation in the Civic Auditorium at San Francisco that will bring Malcolm Giles, the Supreme Director General of the Order, and other dignitaries from the western states to California; and be it further

Resolved, That the Legislature of the State of California does hereby declare August 16, 1951, to be Loyal Order of Moose Day in California and urges the people of California to join with this great fraternity in its prayer for world peace; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitable copies of this resolution to the Honorable Malcolm Giles, the Supreme Director General of the Order, and to the Honorable George R. Reilly, Governor of the San Francisco Lodge of the Loyal Order of Moose.

CHAPTER 184

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article IV thereof, relating to appropriations of public funds.

[Filed with Secretary of State June 18, 1951.]

Constitution Amendment Sec. 22 of Art. IV re appropriations

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 22 of Article IV of the Constitution to read as follows:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any

grant or donation of property ever be made thereto by the State; provided, that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, further, that the Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated; provided further, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided further, that the State shall have at any time the right to inquire into the management of such institutions; provided further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

CHAPTER 185

Assembly Concurrent Resolution No. 88—Relative to directing the Public Utilities Commission to apportion the costs for the construction of a certain grade separation on Los Feliz Boulevard in Los Angeles County.

[Filed with Secretary of State June 19, 1951.]

Hearings re apportionment of cost Los Feliz Boulevard

WHEREAS, Pursuant to House Resolution No. 24, 1949 First Extraordinary Session, and House Resolution No. 35, 1950 First Extraordinary Session, plans have been formulated for the construction of a grade separation in Los Angeles County at the place where Los Feliz Boulevard crosses the Southern Pacific Railroad tracks; and

WHEREAS, Such plans have been formulated after extensive studies by subcommittees consisting of representatives of the Cities of Los Angeles and Glendale, the County of Los Angeles, the Southern Pacific Company, the Los Angeles Grade Crossing Committee, the Pacific Electric Railway Company, the Automobile Club of Southern California, the State Division of Highways, and the Public Utilities Commission; and

WHEREAS, The findings of the subcommittees have conclusively indicated that there is an urgent need for such a grade separation and that the completion of such construction would eliminate 27,675 vehicle-waiting hours annually, rail-auto collisions, injuries and fatalities, slow-down of traffic at such crossing, and expenses of safety apparatus; and

WHEREAS, The elimination of such hazards, costs, and inconveniences will result in a saving of approximately $92,725 annually, which capitalized at 5 percent, would be equivalent to a saving of $1,854,500, which amount far exceeds the estimated cost of $1,333,420 for such construction, in addition to the elimination of mounting traffic congestion, injuries, and fatalities; and

WHEREAS, An immediate hearing to apportion the cost of construction of such grade separation among the parties affected would expedite the financing of the respective assessments; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is directed to hold hearings as soon as practicable to arrive at an apportionment of costs to be assessed upon the parties affected by the construction of such grade separation; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Public Utilities Commission of the State of California, the City of Los Angeles, the City of Glendale, the County of Los Angeles, and the Southern Pacific Company.

CHAPTER 186

Senate Joint Resolution No. 30—Relative to the need for materials for construction of additional school and college buildings in California.

[Filed with Secretary of State June 20, 1951]

Allocation of material for school and college buildings

WHEREAS, The population of the State of California has increased by almost four million during the past 10 years; and

WHEREAS, As a result thereof the elementary and high schools of California are inadequate to afford proper education to the young people of this State; and

WHEREAS, The colleges of California are so overcrowded that the youth of this State are being deprived of an opportunity to secure technical and professional training to fit them to cope with the demands of modern life and industry or to successfully serve the military and naval establishments of our Country in a time of rapidly growing military science; 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 National Production Authority to use its efforts to make materials available for construction of schools, junior colleges, colleges, and university facilities in California; and be it further

Resolved, That the Secretary of the Senate be hereby 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, to each Senator and Representative from California in the Congress of the United States, and to the National Production Authority.

CHAPTER 187

Senate Concurrent Resolution No. 72—Relative to the State Park System.

[Filed with Secretary of State June 20, 1951.]

Acceptance of property for parks

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 which act appropriated a sum of $15,000,000—$10,000,000 for beaches and $5,000,000 for parks; and

WHEREAS, The only restrictive clause in said act provides "No expenditure of any of the money appropriated by this act shall be made except for the acquisition of federal lands unless the amount thereof is matched by like amounts in money, property, or lands received from private or other sources"; and

WHEREAS, The Department of Finance with the purpose of interpreting the legislative intent, has established a policy that

the Park Commission should not purchase or accept any additional properties under its acquisition program until a local subdivision of the government had entered into a lease with the State for the operation, maintenance, and development of said areas; and

WHEREAS, Said policy adopted by the Department of Finance is in fact contrary to the intent of the Legislature; and

WHEREAS, The Park Commission has found the procedure as set forth by the Department of Finance is extremely restrictive and retards full accomplishment of the legislative intent of Chapter 1422, Statutes of 1945, towards expanding units of the State Park System under state operation to meet the needs of increased population in that they prevent:

(1) Acquisition of desirable areas, especially for beaches, which may require no development for some years to come, but which may be acquired now at considerably less expenditure of funds over purchase price in future years.

(2) Acquisition of desirable areas which need not be immediately developed and which would involve only minor maintenance.

(3) The purchase of privately owned lands for inclusion under the State Park System.

(4) The full execution of master plans of some coastal counties submitted by boards of supervisors and approved by the Park Commission prior to 1948; and

WHEREAS, The Park Commission has by resolution of November 24, 1950, recommended the modification or clarification of the policy in such form as to remove the restrictions listed above; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it be the intent of the Legislature that in the administration of the provisions of Chapter 1422, Statutes of 1945, any park or beach land determined by the State Park Commission to be suitable for inclusion in the State Park System may be acquired under the provisions of said referenced act, without regard to whether any local agency has agreed to lease such area for a term of years and maintain, develop and operate such property without expense to the State; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the Department of Finance and the State Park Commission.

CHAPTER 188

Senate Concurrent Resolution No. 92—Relative to Santa Barbara Convention of Fraternal Order of Eagles.

[Filed with Secretary of State June 20, 1951.]

Santa Barbara Convention of Fraternal Order of Eagles

WHEREAS, The Fraternal Order of Eagles has long been one of the outstanding fraternal and service organizations; and

WHEREAS, The display of brotherhood and mutual good will for which that organization has gained renown in the hearts of Californians, is a source of inspiration; and

WHEREAS, Its functions of patriotic service and the bringing to its members and the public at large a better appreciation of civic and national responsibilities; and

WHEREAS, The California State Aerie of the Fraternal Order of Eagles will hold its forty-eighth annual convention in Santa Barbara on June 22d to 24th; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That felicitations and the most personal greetings of the people of the State of California be extended on this occasion; and be it further

Resolved, That the Secretary of the Senate transmit suitable copies of this resolution to the Chairman of the Santa Barbara Convention.

CHAPTER 189

Assembly Concurrent Resolution No. 39—Relative to the support of the old age assistance program by the Legislature of the State of California.

[Filed with Secretary of State June 20, 1951.]

Reassurance of maintenance of old age aid

WHEREAS, The Legislature of the State of California has time and time again indicated its desire to establish and maintain an adequate program of old age assistance, commonly known as old age pensions, and in furtherance of this desire the Legislature has authorized present expenditures of more public funds for such old age assistance program than the combined expenditures for such programs of any two other states in the Union; and

WHEREAS, The Legislature believes that this excellent program should be maintained and the grant of seventy-five dollars ($75) should not be reduced; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Chief Clerk of the Assembly be directed to send copies of this resolution to the State Social Welfare Board and the Department of Social Welfare with instructions that the same be copied and mailed to all recipients of old age assistance.

CHAPTER 190

Assembly Concurrent Resolution No. 96—Relative to water rights to the Santa Margarita-Temecula River System.

[Filed with Secretary of State June 21, 1951.]

Opposition to U. S. water claims

WHEREAS, The United States has entered suit in a federal court in San Diego, California, to establish the doctrine that it

holds "paramount title as sovereign" to all water, surface and subsurface, in the Santa Margarita-Temecula River System; and

WHEREAS, The upholding of this doctrine would result in the destruction of the private rights of hundreds of farmers and small landholders of the Fallbrook area named as defendants in this suit who will have their farms destroyed and thus lose their homes and savings; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California and the Attorney General of the State of California are respectfully requested to take all needful and legal action promptly and vigorously to oppose the action of the United States to establish its claim of right to the waters in the Santa Margarita-Temecula River System, to the court of last resort, if necessary; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a copy of this resolution to the Governor and the Attorney General of this State

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CHAPTER 191

Senate Joint Resolution No. 37—Relative to maintaining a minimum lake level behind the Isabella Dam.

[Filed with Secretary of State June 22, 1951]

Isabella Dam Lake

WHEREAS, The Isabella Dam, when completed, will have a storage capacity of 100,000 acre-feet; and

WHEREAS, By retention, at all times, of sufficient water behind the dam to maintain a minimum lake level, the dam would provide recreational facilities as well as water for irrigation and other uses; and

WHEREAS, The fishing, boating, bathing and other forms of recreation provided by such a lake are much needed by the 25,000 persons, including the personnel of the Navy Ordnance Test Station, (China Lake, in Kern County, California), who live in the vicinity of the dam; and

WHEREAS, The maintenance of such a lake would add to the scenic beauty of the State as well as provide an excellent recreational area for the people of the State; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the United States Corps of Army Engineers is respectfully memorialized to study the feasibility of providing for the continuous maintenance of a minimum lake-level behind the Isabella Dam and to provide for such maintenance; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Secretary of the Army and the Chief of Engineers, United States Army, and to each Senator and Representative in Congress of the United States from the State of California.

CHAPTER 192

Senate Joint Resolution No. 38—Relating to the settlement of certain claims of the Indians of California by the Indian Claims Commission of the United States and the federal courts.

[Filed with Secretary of State June 22, 1951.]

Settlement of Indian claims

WHEREAS, The Indian Claims Commission Act approved August 13, 1946, authorized "any tribe, band or other identifiable group of American Indians within the United States and Alaska" to submit to the Indian Claims Commission, claims of whatsoever nature for determination of the amount due said Indians from the United States and provides for set offs of any amount said commission shall find to have been paid by the United States on account of such claims; and

WHEREAS, There are about 25,000 Enrolled Indians of California scattered through the several counties of this State; and

WHEREAS, The Treaty of Guadalupe Hidalgo with Mexico ceding the territory now known as California to the United States, and said treaty agreed that the inhabitants of said territory should be protected in their rights as they stood at the time of the transfer; and

WHEREAS, The act approved May 18, 1928, authorized suit against the United States which by its limitations resulted in only a partial settlement of the claims of Indians of California; and

WHEREAS, The Indians of California filed suit with the Indian Claims Commission which is now pending before the Court of Claims on Appeal to determine certain legal interpretations of the act; and

WHEREAS, Congressman Clair Engle has introduced H. R. 3979 "to define the Enrolled Indians of California as an identifiable group of American Indians" and that the said Indians shall be thus recognized and be accorded final determination of their claims; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That it does hereby memorialize the Congress to enact with as much expedition as circumstances will admit, said H. R. 3979; and be it further

Resolved, That a copy of this memorial be sent to the Chairman of the Senate Committee on Interior and Insular Affairs and to the Chairman of the House Committee on Interior and Insular Affairs, and to Hon. Toby Morris, Chairman of the House Committee on Indian Affairs, and that a copy be sent to Senator William Knowland, to Senator Richard Nixon at the Senate Office Building, Washington, D. C., and to each member of the House of Representatives from California at their House Office Building address.

CHAPTER 193

Senate Concurrent Resolution No. 78—Relative to a study of glutinous rice by the University of California Agricultural Experimental Station, Department of Food Technology.

[Filed with Secretary of State June 22, 1951.]

Study of glutinous rice

WHEREAS, Glutinous or waxy rice is a farm product grown in the United States only in California, and has been grown successfully in California since 1936, and has been used until this year solely for Oriental consumption, and in 1950 only 1,300 acres were devoted to growing this rice; and

WHEREAS, Due to the present war and certain needs by the United States armed forces, local use was made of this rice by the frozen food industry and, because of this use, certain unusual starch factors were found to be in this type of rice which show great possibilities in the food industry; and

WHEREAS, If these possibilities are realized large acreages would be necessary for the growth of this rice, which would alleviate the large surpluses of California pearl rice by growing glutinous or waxy rice and bring a new industry to California; and

WHEREAS, To bring about this increased acreage it becomes necessary to discover by research certain technological qualities and behaviours of this rice and the Department of Food Technology of the University of California is properly qualified to make such research; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California Agricultural Experiment Station, Department of Food Technology is requested at the earliest possible date to furnish complete data concerning the behaviour of this glutinous or waxy rice in various aspects of food technology and prepare a report on its properties and uses for the agricultural committees of the Senate and Assembly, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the Department of Food Technology of the University of California Agricultural Experiment Station.

CHAPTER 194

Senate Concurrent Resolution No. 90—Relating to observance of Flag Day.

[Filed with Secretary of State June 22, 1951.]

Flag Day

WHEREAS, In the words of Henry Ward Beecher, "A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself;" and

WHEREAS, It is fitting that Washington, one of the architects of our Nation, sketched the first form and colors of our Flag; and

WHEREAS, Our Flag diagrammatically displays our basic federal form of government, with each state star preserving its identity of independence in one field of government, yet leaving another field for the unity of the whole in which to operate; our Flag shows our history of original-state stripes, in number 13 supplanting superstition as to their future, 48 stars point out. Dynamic in size, and dynamic in assimilation of peoples and principles, our Flag has symbolized our Nation; and

WHEREAS, In its second century our Flag unfurls the stability of America, evidence of the wisdom of our Constitution, balancing a government's power with a people's privilege, the equation of government democratic; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That June 14th again be observed as Flag Day on which our thankfulness for and allegiance to, a democratic government and liberty under law as seen through our Flag be given.

CHAPTER 195

Senate Concurrent Resolution No. 84—Relative to the organization of the Department of Fish and Game.

[Filed with Secretary of State June 22, 1951.]

Decentralization of Department of Fish and Game

WHEREAS, The Senate Committee on Fish and Game created by Senate Resolution No. 108 of the 1947 Regular Session recommended that the Fish and Game Commission be established as a policy making body only, that a Chief Administrator of the Division of Fish and Game be created by statute and that the State be divided into five or seven regions and the administration of the fish and game laws be conducted on a regional basis; and

WHEREAS, The first two of these objectives have been accomplished with the approval by the Governor of Senate Bill No. 223 of the current session, which creates the Department of Fish and Game to be administered by a director in conformity with policies to be established by the Fish and Game Commission, and the way has been cleared for the accomplishment of the third objective; and

WHEREAS, The division of the State into geographical regions with each in charge of a regional administrator directly responsible to the director of the department and the handling of all administrative and enforcement matters relating to fish and game on a regional basis so far as practicable would serve to bring the administration of the fish and game laws closer to the people and would make for more efficient enforcement; and

WHEREAS, With the transition of the Division of Fish and Game into a Department of Fish and Game it will be timely

that a thorough study of the organization of the department should be made as soon as possible; and

WHEREAS, The establishment of the department on a regional basis would involve a determination of how the State could most suitably be divided which is a matter within the scope of the functions of the administrative analysis staff of the Department of Finance; and

WHEREAS, The key to the successful functioning of the department on a regional basis would be the selection of properly qualified regional administrators and the drafting of the specifications for such positions is a matter within the scope of the functions of the State Personnel Board; and

WHEREAS, The Legislative Auditor and his staff should be able to supply information and advice as to the feasibility and economic soundness of a plan for reorganizing the department; and

WHEREAS, Whatever reorganization there is to be in the newly created Department of Fish and Game should be effected as soon as may be consistent with sound results; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of the Department of Fish and Game is requested to make a study of and prepare a plan for the organization of the department on a regional basis and the Director of Finance, the State Personnel Board and the Legislative Auditor are requested to cooperate with him in connection with such study and plan; and be it further

Resolved, That the Director of the Department of Fish and Game is requested to report such plan to the Legislature at the commencement of its 1952 Regular Session if he finds it possible so to do, and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Finance, the members of the State Personnel Board, the Legislative Auditor, and, when he is appointed, to the Director of the Department of Fish and Game.

CHAPTER 196

Senate Concurrent Resolution No. 70—Relative to congratulating Santa Clara University on its one hundredth anniversary.

[Filed with Secretary of State June 23, 1951.]

University of Santa Clara anniversary

WHEREAS, The University of Santa Clara had its beginnings on March 19, 1851, making it the oldest established college in the State; and

WHEREAS, The university is rich in tradition and color, and is associated with the names of many famous men, among them the man who started the school, Father Nobili, who was also the

author of texts on physics and mathematics; Father Accolti, whose labors gave the young school needed impetus; Father Ricard, whose work in astronomy brought him acclaim; Father Morrisey, during whose tenure as president the college became a university; Father Hubbard, who is one of the most noteworthy Arctic explorers; Professor Montgomery, who was a pioneer in the field of aerodynamics, and Father Gianera, present president of the institution; and

WHEREAS, The Jesuit system of education followed at the university has served to enrich and ennoble the moral and intellectual life of this State, and has resulted in graduating students who have been better citizens of California because of their training therein; and

WHEREAS, The people of this State are grateful for the presence of such an institution in their State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members thereof congratulate the University of Santa Clara and its faculty, trustees, administration, students, and alumni, upon the occasion of its one hundredth anniversary; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a suitably engrossed copy of this resolution to the university.

CHAPTER 197

Assembly Joint Resolution No. 40—Relative to the application of the Sherman Anti-Trust Act and the Miller-Tydings Act as applied to state fair trade laws.

15 U S C, §1-7

[Filed with Secretary of State June 23, 1951]

Federal fair trade legislation

WHEREAS, The Supreme Court of the United States in an opinion issued May 21, 1951, in the case of Schwegmann Bros. v. Calvert Distillers' Corp. has held that the Fair Trade Act of the State of Louisiana is unconstitutional with respect to the application of a provision thereof to sellers who are not parties to minimum resale price agreements entered into in connection with sales in interstate commerce; and

WHEREAS, Said decision has cast doubt upon the fair trade acts of California; and

WHEREAS, The fair trade acts in California have operated to the satisfaction of the people and of business since 1933; and

WHEREAS, The effects of said decision as evidenced by news reports from the State of New York will be widespread price cutting on all types of articles previously subject to the fair trade acts; and

WHEREAS, Such price wars and price cutting are injurious to the people of the State in that they result in an unfair advantage to large retail establishments over small retail establishments; and

WHEREAS, Such price wars and price cutting can result only in the bankruptcy and insolvency of small business men in this State; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of California respectfully memorializes the Congress of the United States to immediately consider and act upon legislation to permit the execution of fair trade contracts binding upon both those who sign such contracts and upon nonsigners in order that the validity of the fair trade acts of California and of the other states of the Union shall be re-established and in order that widespread price wars and the resulting hardships therefrom may be avoided; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 198

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 16 to Article XVI thereof, relating to the issuance of bonds to provide farm and home aid for veterans.

[Filed with Secretary of State June 23, 1951.]

Constitution Addition of Sec. 16 to Art. XVI, re veterans bonds

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its Regular 1951 Session commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 16 to Article XVI thereof, to read:

SEC. 16. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of one hundred fifty million dollars ($150,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1951 (Article 5C added to Chapter 6 of Division 4 of the Military and Veterans Code by Chapter 1086 of the Statutes of 1951) authorizing the issuance and sale of state bonds in the sum of one hundred fifty million dollars ($150,000,000) for the purpose of providing a fund to be used and disbursed 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 and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1951 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely

effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

CHAPTER 199

Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article XIII thereof a new section to be numbered 19, relating to the proceeds of taxes levied on property in a redevelopment project under the Community Redevelopment Act.

Stats. 1945, p. 2478

[Filed with Secretary of State June 23, 1951.]

Constitution Addition of Sec. 19 to Art. XIII, re taxation of redeveloped property

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its Regular Session commencing at 12 o'clock noon on the eighth day of January, 1951, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding to Article XIII thereof a new section to be numbered 19 and to read as follows:

SEC. 19. All property in a redevelopment project established under the Community Redevelopment Law Act as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of such ownership, shall be taxed in proportion to its value as provided in Section 1 of this article, and such taxes (the word "taxes" as used herein shall include, but shall not be limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan may contain a provision that the taxes, if any, so levied upon such taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to, and when

collected shall be paid into, the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

Taxation of redeveloped property

(b) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (a) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, then all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The Legislature may also provide that in any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph designated (b) hereof may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness

It is intended by this section to empower any redevelopment agency, city, county, or city and county under any law authorized by this section to exercise the provisions hereof separately or in combination with powers granted by the same or any other law relative to redevelopment agencies. This section shall not affect any other law or laws relating to the same or a similar subject but is intended to authorize an alternative method of procedure governing the subject to which it refers.

All of the provisions of the Community Redevelopment Law, as amended in 1951, which relate to the use or pledge of taxes or portions thereof as herein provided, or which, if effective, would carry out the provisions of this section or any part thereof, are hereby approved, legalized, ratified and validated

and made fully and completely effective and operative upon the effective date of this amendment.

The Legislature shall enact such laws as may be necessary to enforce the provisions of this section.

CHAPTER 200

Assembly Concurrent Resolution No. 104—Relative to the marriage of Charles W. Meyers.

[Filed with Secretary of State June 23, 1951.]

Charles W Meyers and wife

WHEREAS, Charles W. Meyers, an extremely active, able, and conscientious member of this House, was recently married to Alene Joan Aviani on February 3, 1951, at St. Anne's Church in their native City of San Francisco; and

WHEREAS, The charming bride is the daughter of Mr. and Mrs Ernest J. Aviani of San Francisco, graduated from St. Joseph's College of Nursing; joined the psychiatric nursing staff of Langley-Porter Clinic and continued her studies in public nursing at the University of San Francisco; and

WHEREAS, The affable groom is the son of Mr. and Mrs. Charles F. Meyers of San Francisco, after attending City College and the University of San Francisco, entered the insurance business; a veteran of the recent war, Charlie is serving his third year in the Assembly, representing the Twenty-fourth District of San Francisco; and

WHEREAS, The individual capabilities of these newlyweds, and their mutual devotion promises them a full life, and is a pleasing inspiration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their individual and personal best wishes to Mrs. Alene Aviani Meyers and hearty congratulations to Charles W. Meyers; and be it further

Resolved, That suitable copies of this resolution be transmitted by the Chief Clerk to Mr. and Mrs. Ernest J. Aviani, Mr. and Mrs. Charles F. Meyers, and Mr. and Mrs Charles W. Meyers.

CHAPTER 201

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 14¼ and 16 of Article XIII thereof, relating to the taxation of insurance companies and banks.

Constitution Amendment Secs 14¼, 16 of Art XIII, re taxation of insurance companies and banks

[Filed with Secretary of State June 23, 1951.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1951 Regular Session commencing on the eighth day of January, 1951, two-thirds

of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Article XIII thereof: Taxation of insurance companies and banks

First, by amending Section 14¼ to read

SEC. 14¼. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this State on the base, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this State, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this State, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this State, the "basis of the annual tax" is, in respect to each year, all income upon business done in this State, except:

(1) Interest and dividends.

(2) Rents from real property.

(3) Profits from the sale or other disposition of investments.

(4) Income from investments.

"Investments" as used in this subdivision (d) includes property acquired by such insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this State which has a trust department and does a trust business under the banking laws of this State, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this State or included in the measure of any tax imposed by this State.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2 35 percent.

(e) Each insurer shall have the right to deduct from the annual tax imposed by this section upon such insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this State. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the

Taxation of insurance companies and banks

adjacent land as may be required for the convenient use and occupation thereof.

Where as a result of merger, consolidation, or other method of acquisition of substantially all of the assets of one or more insurers by another insurer, effected prior to January 1, 1939, an insurer owns more than one parcel of real property in this State in which was located a home office or principal office of an insurer immediately prior to such acquisition, the owner shall designate one of such properties as its home or principal office. Real estate taxes paid by it in any of the years 1943 to 1952, inclusive, before, or within 30 days after, becoming delinquent, on such property owned by it at the time of payment and not so designated may also be deducted from the annual tax imposed by this section in respect to such year and are included within the deduction provided for in this subdivision.

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(3) When by the laws of any other state or country any taxes, fines, penalties, licenses, fees, deposits of money or securities or other obligations or prohibitions are imposed on insurers of this State doing business in such other state or country, or upon their agents therein, in excess of those imposed upon insurers of such other state or country or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurers of such other state or country doing business in this State, or upon their agents herein.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

(g) Every insurer transacting the business of ocean marine insurance in this State shall annually pay to the State a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 percentum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (e) cannot

be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(i) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this section or as used in Section 14 or 14¾ of this article.

Second, by amending Section 16 to read:

SEC. 16. 1. (a) Banks, including national banking associations, located within the limits of this State, shall annually pay to the State a tax, at the rate to be provided by law according to or measured by their net income, which shall be in lieu of all other taxes and licenses, state, county and municipal, upon such banks, or the shares thereof, except taxes upon their real property and, when permitted by the Congress of the United States with respect to national banking associations, motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

(b) The Legislature may provide by law for any other form of taxation now or hereafter permitted by the Congress of the United States respecting national banking associations; provided, that such form of taxation shall apply to all banks located within the limits of this State.

2. The Legislature may provide by law for the taxation of corporations, their franchises, or any other franchises, by any method not prohibited by this Constitution or the Constitution or laws of the United States.

3. Any tax imposed pursuant to this section must be under an act passed by not less than two-thirds vote of all the members elected to each of the two houses of the Legislature.

CHAPTER 202

Senate Concurrent Resolution No. 91—Relative to the Joint Interim Committee on Agriculture and Livestock Problems.

[Filed with Secretary of State June 23, 1951.]

Report on agricultural structures and facilities

WHEREAS, There are numerous items appropriating large sums of money for capital outlay in the State Budget for 1951-52 which include providing structures and facilities for agricultural activities at the several institutions, schools and colleges; and

WHEREAS, There are similar capital outlay items in the Postwar Building Program from funds already appropriated but as yet unexpended; and

WHEREAS, The inspection, recommendation and advice of the Joint Interim Committee on Agriculture and Livestock Problems resulting from its activity in 1948, 1949, 1950 and 1951 has resulted in a more orderly and economical development of agricultural activities at the several state institutions and schools; and

WHEREAS, The procedure of having the said joint committee inspect and review such expenditures has met with the general approval of all concerned; and

WHEREAS, In the process of making a review of the budgets of various institutions it has come to the attention of this committee that the manner in which expenditures are made for agricultural facilities at the institutions materially affects the operating costs of the institutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That no money be spent which was appropriated by the Budget Act of 1951 or previously appropriated for capital outlay providing for plans, specifications, construction or purchase of new facilities which is used for agricultural purposes until such facilities, equipment or item to be provided thereby is reviewed and inspected by the Joint Interim Committee on Agriculture and Livestock Problems and a report thereon has been filed with the Director of Finance of the State of California; and be it further

Resolved, That the recommendations of said committee be immediately put into effect by the Department of Finance in order that any resulting economies may be reflected in the 1951-52 Budget as soon as practicable.

CHAPTER 203

Senate Concurrent Resolution No. 96—Relative to congratulating the City and County of San Bernardino on the occasion of the Centennial Festival.

[Filed with Secretary of State June 23, 1951]

City and County of San Bernardino Centennial Festival

WHEREAS, One hundred years ago, in the month of October, a Mormon band of approximately 500 men, women and children struggled across a desert waste to the then little-known region now called the San Bernardino Valley; and

WHEREAS, In 1851 these pioneers built the first community in the interior of Southern California, what is now the City of San Bernardino, becoming the actual builders of this great city, where hundreds of their descendants still reside; and

WHEREAS, In 1910 San Bernardino celebrated the centennial of the arrival of the first Spanish settlers in 1810, and in October of this year are celebrating a great festival marking the cen-

tennial of the arrival of the first Anglo-Saxon settlers; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature hereby honors the memory of those pioneers who created an inland empire out of the desert wastes of this great section of our State; and be it further

Resolved, That the Legislature of the State of California congratulates the City and County of San Bernardino on the occasion of the Centennial Festival and hereby pays its respects to the citizens of such city and county for their progressive development of an outstanding community based on the heritage given them by a courageous group of American pioneers; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have prepared suitably engrossed copies of this resolution, and to present the same to the City of San Bernardino and the County of San Bernardino.

CHAPTER 204

Senate Concurrent Resolution No. 101—Approving amendments to the charter of the City of Petaluma, a municipal corporation in the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the twelfth day of June, 1951.

[Filed with Secretary of State June 23, 1951.]

City of Petaluma

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Petaluma, 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 THE MAYOR AND CITY CLERK OF PETALUMA, CALIFORNIA, ON AMENDMENTS TO THE CITY CHARTER

STATE OF CALIFORNIA }
} ss
COUNTY OF SONOMA }

Certificate

We, the undersigned, Leland H. Myers, Mayor and ex-officio presiding officer of the Council of the City of Petaluma, County of Sonoma, State of California, and Gladys R. Wallin, the City Clerk of said City, do hereby certify and declare as follows:

That the City of Petaluma is a municipal corporation in the County of Sonoma, State of California; that said City now is and at all times herein mentioned has been a City containing a

population of approximately 10,390 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized and existing and acting 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 in said City on the 10th day of June, 1947, and approved by the Legislature of the State of California by Senate concurrent resolution No. 64 filed with the Secretary of State on the 20th day of June, 1947.

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Petaluma, being the legislative body of said City, on its own motion, passed and adopted, and duly submitted to the qualified electors and voters of the City of Petaluma proposals for amendments to the Charter of said City, to be voted on by said qualified electors at the General Municipal Election of said City held on the 12th day of June, 1951.

That notice of said proposals for the amendments to said Charter hereinafter set forth and referred to was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Petaluma, in the Petaluma Argus-Courier, a newspaper of general circulation published daily except Sundays in the City of Petaluma, being the official newspaper of said City.

That said notice of said propositions was published once in said official newspaper and in each edition thereof during the day of publication for more than 40 days and less than 60 days prior to said 12th day of June, 1951, when said General Municipal Election was held.

That at said General Municipal Election a majority of the qualified electors voted in favor of the following amendments to said City Charter, to-wit:

Section 8 of Article 3 of said Charter is amended to read as follows:

Certificate of election

Section 8. Certificate of Election: After the result of an election is declared, or when an appointment is made, the city clerk under her hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office and any other oath required of him by this charter or any statute of the State of California which oath must be filed with the city clerk. All elective officers shall take office at twelve o'clock noon on the first day of July after the result of the election shall have been officially declared, and shall hold office for such term as in this charter provided and until the election and qualification of their successors.

Section 13 of Article 4 of said Charter is amended to read as follows:

Vacancies

Section 13. Vacancy in the office of Mayor or Councilman: If a vacancy should occur in the office of Mayor or Councilman, the Council shall appoint a person to fill such vacancy until the next general municipal election. If at any municipal election held under section 4 of this Charter, a Mayor or the required number of Councilmen be not elected by reason of a tie vote among any of the candidates therefor, the Council after the qualifications of the persons, if any, elected thereto at such election, shall appoint one of the persons receiving such tie vote to fill such office as in the case of a vacancy therein. In each case of such vacancy or tie vote, the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election at which said election said vacancy shall be filled by the election of an eligible person to serve until the end of the term for which the officer creating such vacancy had been, or, in the case of such tie vote, would have been elected.

Section 24 of Article 6 of said Charter is amended to read as follows:

Powers and duties of city manager

Section 24. Powers and Duties of City Manager: The City Manager shall be responsible to the council for the efficient administration of all affairs of the city. He shall have the power, and it shall be his duty:

a—To see that all laws and ordinances are duly enforced, and he is hereby declared to be beneficially interested in their enforcement and to have the power to sue in the proper court to enforce them.

b—Subject to the consent and approval, by resolution adopted by a majority of the members of the city council, the City Manager shall have power and it shall be his duty to appoint, discipline or remove the following officials: Assessor, Treasurer, Tax and License Collector, Director of Public Works or City Engineer, Chief of Police, Fire Chief, Street Superintendent, Park Superintendent, Director of Recreation and such other heads of departments or officials determined by the City Council. All subordinate officers and employees of the City shall be appointed and be subject to discipline or removal by the City Manager and neither the council nor any of its committees or members shall dictate, either directly or indirectly, the appointment, discipline or removal of any such subordinate officials or employees of the City appointed by the City Manager, or in any manner interfere with him or prevent him from exercising his own judgment in the appointment, discipline or removal of such subordinate officer or employee in the administrative service Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, including said officers,

department heads, subordinate officers and employees, either publicly or privately.

c—To exercise administrative control over all departments, divisions and bureaus of the city government and over all appointed officers and employees thereof.

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 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 make investigations into the affairs of the city, or any department or division thereof, or any contract, or the proper performance of any obligation running to the city.

g—To prepare and submit to the council the annual budget.

h—To keep the council at all times fully advised as to the financial condition and needs of the city.

i—To submit to the council, at each meeting, for its approval, a list of all claims and bills approved for payment by him.

j—To devote his entire time to the duties and interests of the city.

k—To perform such other duties as may be prescribed by this charter, or be required by ordinance or resolution of the council.

He shall be charged with the general supervision of all public utility companies insofar as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law and he shall see that all franchises granted by the city are faithfully observed, he shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The City Attorney on demand of the City Manager, must institute and prosecute the necessary actions to enforce the provisions of this sub-section.

Section 25 of Article 6 of said Charter is amended to read as follows:

Principal appointive officials

Section 25. The Principal Appointive Officials: The principal appointive officials of the city shall be the City Clerk, City Auditor, Assessor, Treasurer, Tax and License Collector, City Attorney, Director of Public Works or Engineer, Police Judge, Chief of Police, Fire Chief, Street Superintendent, Park Superintendent, Director of Recreation and five Library Trustees

The five Library Trustees shall be appointed to a term not to exceed four years and may be removed by a majority vote of the Council and one of such trustees must be appointed by the council from its own members.

The Board of Library Trustees shall have the power to manage the library and to appoint, discipline and dismiss all officers and employees of the library.

The City Council at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer, the functions and duties of two or more such officers. The Council shall prescribe the duties of all of the principal appointive officials except as otherwise provided in this Charter.

Section 45 of Article 7 of said Charter is amended to read as follows:

Ordinance

Section 45. To constitute an ordinance of the City Council it must, before final action thereon, be advertised once at least two days before its adoption, and in case of any amendment being made thereto, before the final adoption of the ordinance, such ordinance as amended must in like manner be advertised once at least two days before final adoption. The advertisement of an ordinance shall be by publication in at least one edition of the Official Newspaper of the City, except that upon unanimous vote of the Councilmen present at the meeting when such ordinance is introduced or amendment proposed, the advertisement may be done by posting a copy of such original ordinance or amended ordinance on the bulletin board at the City Hall.

Section 46 of Article 7 of said Charter is amended to read as follows:

Same Requirement

Section 46. Ordinance Required in Certain Cases: No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than $750,000; for the appropriation, acquisition, sale or lease of real property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

Section 55 of Article 8 of said Charter is amended to read as follows:

Appointment of commissions

Section 55. Appointment of Commissions: The City Council shall have the power to establish such Commissions as shall be necessary for the effective accomplishment of municipal business, provided however, that a Councilman shall be a member of each Commission. Appointment of City Commissioners shall be for a term not to exceed four years. No person shall be re-appointed as a member of a City Commission who has served continuously for six years, until at least one year shall have elapsed after the expiration of the sixth year of such service.

Section 64 of Article 9 of said Charter is amended to read as follows:

City clerk and auditor

Section 64. Office and Duties of the City Clerk and Auditor: The City Clerk and Auditor shall be appointed by the City

Council and shall serve at its pleasure. Payment by the City, shall be made only upon vouchers certified by the head of the appropriate department and approved by the City Manager, and by means of warrants on the city treasury issued by the auditor and countersigned by the City Manager. The auditor shall examine all payrolls, bills, and other claims and demands against the city, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that a budget appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment.

Section 68 of Article 10 of said Charter is amended to read as follows:

Contracts exceeding $750

Section 68. Public Work and Purchases to be Done and Made by Contract: The erection, improvement and repair of all public buildings and works, all street and sewer work, and all work in or about streams, bays, or waterfronts, or in or about embankments or other works, for the protection against overflow and erosion, where the total cost thereof exceeds the sum of $750.00, shall be done by contract, after calling for bids, as hereinafter provided, or may be done under the supervision of the City Council or a committee thereof, or a department of public works, created by the Council. In all said work to be done by contract and in furnishing or purchasing any supplies and/or material for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of $750.00, the contract therefor shall be awarded to the lowest responsible bidder, after advertising for sealed proposals for the work or materials contemplated by publishing a notice of such advertisement for sealed proposals once in the Official Newspaper at least 5 days prior to the award of such contract. Such notice shall distinctly and specifically state the work contemplated to be done and/or the materials contemplated to be purchased. Provided, however, the Council may reject any and all bids, if deemed excessive, and re-advertise for bids or provide for the work to be done by the City Council, or a committee thereof, or a department of public works created by the City Council. In case no bid is received the Council may likewise provide for the work to be done by it, or by a committee thereof, or a department of public works.

Section 69 of Article 10 of said Charter is amended to read as follows:

Advertising

Section 69. Advertising: The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise once in the official newspaper, at least five (5) days before award of contract, setting forth distinctly and specifically the work contemplated to be done and ask for sealed proposals therefor. The proposal shall specify the type and spacing to be used at the rates named

in the bids. If at the time of awarding the contract for the official advertising, there are no charter or ordinance provisions requiring publication more frequently than once each week of any ordinance, resolution, regulation, or advertisement of, or proceedings by the City of Petaluma, or any body or official thereof, the Council shall let the contract for such official advertising to the lowest responsible bidder printing and publishing a daily or weekly newspaper in the City. If however, at such time there is any charter or ordinance requiring publication more frequently than once each week of any ordinance, resolution, regulation, or advertisement of or proceedings by said City, or any body or official thereof, the Council shall let said contract for such official advertising to the lowest responsible bidder printing and and publishing a daily newspaper in the City.

In order to qualify as the official newspaper of the City such newspaper shall be of general circulation, and have been in existence at the time of the awarding of the contract at least one year. The Council may reject any and all bids if found excessive and advertise for new bids

The newspaper to which such award of advertising is made shall be known and designated as the official newspaper.

Nothing herein contained shall prevent the City or any body or officer thereof from causing any ordinance, resolution, regulation or advertisement of, or proceeding by said City to be published in a newspaper in the City, in addition to the Official Newspaper, if such body or officer determines that such additional publication is necessary or proper.

Section 76A of Article 12 of said Charter is amended to read as follows:

Section 76A. Referendum: No ordinance shall become effective until 30 days after the date of its final passage, except an ordinance calling or otherwise relating to an election and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the fact constituting its urgency and is passed by a unanimous vote of the members present at the time of such adoption, and except ordinances relating to street improvement proceedings and other ordinances governed by particular provisions of State law prescribing the manner of their passage and adoption. Referendum

The adoption of an ordinance may be suspended, reconsidered, submitted to voters and acted upon pursuant to referendum proceedings held under and in compliance with the provisions set forth under Division IV, Chapter 3, Article II of the Election Code of the State of California, and amendments thereto. Execution

That the result of said election was by said City Council duly and regularly canvassed and certified to at the time and in the manner provided and required by law, and it was duly found, determined and declared by the said City Council of said City of Petaluma that a majority of the qualified electors

of said City voting at said election on said amendments and each of them had voted in favor thereof.

That the undersigned have compared the foregoing amendments with the original amendments submitted at said election and find that the same are full, true, correct and exact copies thereof.

WHEREFORE, the undersigned, for and on behalf of the people of the City of Petaluma, pray that the Legislature of the State of California, pass and adopt a concurrent resolution by both Houses thereof, adopting, approving and ratifying the said amendments hereinabove in this Certificate set forth.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Petaluma to be affixed hereto this 20th day of June, 1951.

(SEAL)

LELAND H. MYERS
Mayor and ex-officio presiding officer of the City Council of the City of Petaluma.
GLADYS R. WALLIN
City Clerk of the City of Petaluma

STATE OF CALIFORNIA }
County of Sonoma } ss.

On this 20th day of June in the year one thousand nine hundred and fifty-one before me, Arline Devine a Notary Public in and for the County of Sonoma, State of California, residing therein, duly commissioned and sworn, personally appeared Gladys R. Wallin, City Clerk and Leland H. Myers, Mayor known to me to be the City Clerk and Mayor of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sonoma the day and year in this certificate first above written.

(SEAL)

ARLINE DEVINE
Notary Public in and for the County of Sonoma, State of California.

My Commission Expires April 26, 1954.

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 Petaluma 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 part of the charter of said City of Petaluma.

CHAPTER 205

Assembly Concurrent Resolution No. 63—Relative to maps of assembly and congressional districts.

[Filed with Secretary of State June 30, 1951.]

Publication of maps of districts

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as public documents the following:

1. Three thousand five hundred (3,500) copies of a map of the State showing the boundaries of the assembly districts of the State as described in Chapter 395 of the Statutes of 1951 on a state-wide basis, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature and five hundred (500) copies of which shall be held for sale by the Division of Printing.

2. Three thousand five hundred (3,500) copies of a map of the State showing the boundaries of the congressional districts of the State as described in Chapter 396 of the Statutes of 1951 on a state-wide basis, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature and five hundred (500) copies of which shall be held for sale by the Division of Printing.

3. Four hundred twenty-five (425) copies of one map of the City and County of San Francisco showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951 and also the boundaries of the congressional districts contained therein as described in Chapter 396 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from the City and County of San Francisco, and two hundred (200) copies of which shall be held for sale by the Division of Printing.

4. Two hundred seventy-five (275) copies of a map of the County of Sacramento showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from Sacramento County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

5. Two hundred fifty (250) copies of a map of the County of Contra Costa showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered

Maps of districts

free of charge to each Member of the Legislature from Contra Costa County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

6. Two hundred fifty (250) copies of a map of the County of Kern showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from Kern County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

7. Two hundred seventy-five (275) copies of a map of the County of Orange showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from Orange County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

8. Two hundred seventy-five (275) copies of a map of the County of San Bernardino showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from San Bernardino County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

9. Three hundred (300) copies of one map of the County of San Diego showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951, and also the boundaries of the congressional districts contained therein as described in Chapter 396 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from the County of San Diego, and two hundred (200) copies of which shall be held for sale by the Division of Printing.

10. One thousand twenty-five (1,025) copies of five separate maps of portions of the County of Los Angeles showing the boundaries of the assembly districts contained therein as described in Chapter 395 of the Statutes of 1951 and of the congressional districts contained therein as described in Chapter 396 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from the County of Los Angeles, and two hundred (200) copies of which shall be held for sale by the Division of Printing.

11. Two hundred fifty (250) copies of a map of the County of San Mateo showing the boundaries of the assembly districts contained therein, as described in Chapter 395 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from San Mateo County and two hundred (200) copies of which shall be held for sale by the Division of Printing.

12. Three hundred seventy-five (375) copies of one map of the County of Alameda showing the boundaries of the assembly

districts contained therein, as described in Chapter 395 of the Statutes of 1951, and also the boundaries of the congressional districts contained therein, as described in Chapter 396 of the Statutes of 1951, twenty-five (25) copies of which shall be delivered free of charge to each Member of the Legislature from Alameda County, and two hundred (200) copies of which shall be held for sale by the Division of Printing.

Resolved, That the cost of the same shall be payable from the legislative printing appropriation.

CHAPTER 206

Assembly Concurrent Resolution No 68—Requesting proclamation designating September 17, 1951, as "Steuben Day"

[Filed with Secretary of State June 30, 1951]

"Steuben Day"

WHEREAS, It is desired to commemorate the achievements of General Friedrich Wilhelm von Steuben, who on December 1, 1777, entered this Country to offer his skill and valor in aid of our Country's struggle for independence against a mighty empire; and

WHEREAS, General von Steuben, born on September 17, 1730, did join our Army at Valley Forge under the command of General Washington at a time when our forces were sorely tried and our struggle seemed destined for defeat; and

WHEREAS, General von Steuben as the first Inspector General of the new Republic did reorganize our Army and instill in our soldiers the training and discipline which enabled them to defeat the veteran forces of our mighty adversary; and

WHEREAS, He distinguished himself by his courage and skill at the crucial battles of Monmouth and Yorktown, where he received the first offer of surrender from Lord Cornwallis; and

WHEREAS, General von Steuben initiated the promulgation of the regulations for drill, order and discipline of the troops of the United States, adopted by Congress on March 29, 1779, which served as a foundation for the subsequent development of our Army; and was also instrumental in establishing the United States Military Academy at West Point which since its creation has provided the leaders for our armies; and

WHEREAS, The services of General von Steuben were aptly described as "indispensable to the cause of American Independence" by the inscription in his honor on the monument at Steuben State Park in Remsen, New York; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is hereby respectfully requested to issue a proclamation designating the anniversary of the birth of General von Steuben, September 17, 1951, as "Steuben Day" and calling on the citizens of this State to display our National Emblem as a

fitting commemoration to one of the architects of our victorious struggle for independence and urging the citizens of this State to observe the day of commemoration with appropriate exercises throughout the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Honorable Earl Warren, Governor of the State of California.

CHAPTER 207

Assembly Concurrent Resolution No. 91—Relative to establishing roadside rests and parks in conjunction with the State Highway System.

[Filed with Secretary of State June 30, 1951.]

Roadside rests and parks

WHEREAS, There have been introduced in the 1951 Regular Session of the Legislature several bills relating to roadside rests and parks in conjunction with the State Highway System; and

WHEREAS, California, because of its diversified topography and climate, has many miles of highway without frequent places of rest or relaxation for the convenience of motorists; and

WHEREAS, Roadside rests and parks have been established in other states such as Texas, Ohio, Michigan, Oregon and Wisconsin; and

WHEREAS, Many civic-minded citizens and organizations are actively recommending and supporting the establishment of roadside rests and parks along the highway in the State of California; and

WHEREAS, It is the desire of these citizens and organizations that there be a study made with reference to the feasibility of establishing roadside rests and parks in connection with the highway system in the State of California; and

WHEREAS, It is the desire of those interested that the Legislature consider the matter at the next regular session and therefore the Legislature should have full and complete information on the subject by that time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works and the Department of Natural Resources, through its Division of Beaches and Parks, are hereby requested to study and analyze all facts and data relating to or in any way bearing upon the subjects expressed in the recitals of this resolution, and to ascertain the practicability of establishing such roadside rests and parks along the state highways in the State of California, and the probable cost of establishing and maintaining them, and report the result of its study to the 1953 Regular Session of the Legislature on or before January 15, 1953.

CHAPTER 208

Assembly Concurrent Resolution No. 93—Relating to observance of Flag Day.

[Filed with Secretary of State June 30, 1951.]

Flag Day

WHEREAS, In the words of Henry Ward Beecher, "A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself;" and

WHEREAS, It is fitting that Washington, one of the architects of our Nation, sketched the first form and colors of our Flag; and

WHEREAS, Our Flag diagrammatically displays our basic federal form of government, with each state star preserving its identity of independence in one field of government, yet leaving another field for the unity of the whole in which to operate; our Flag shows our history of original-state stripes, in number 13 supplanting superstition as to their future, 48 stars point out. Dynamic in size, and dynamic in assimilation of peoples and principles, our Flag has symbolized our Nation; and

WHEREAS, In its second century our Flag unfurls the stability of America, evidence of the wisdom of our Constitution, balancing a government's power with a people's privilege, the equation of government democratic; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That June 14th again be observed as Flag Day on which our thankfulness for and allegiance to, a democratic government and liberty under law as seen through our Flag be given

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CHAPTER 209

Assembly Concurrent Resolution No. 97—Relative to directing the Public Utilities Commission to apportion the costs of a certain grade separation on Olive Avenue in the City of Burbank, County of Los Angeles.

[Filed with Secretary of State June 30, 1951.]

Hearings re apportionment of costs Olive Avenue

WHEREAS, Pursuant to House Resolutions Nos. 72 and 87, 1950 First Extraordinary Session, a report of the Engineering Department of the Department of Public Works was made concerning proposed grade separations in the City of Burbank, County of Los Angeles; and

WHEREAS, The findings of subcommittees and of other interested and informed groups, along with the report, show the practicability of and the necessity for a grade separation on Olive Avenue, in the City of Burbank, so that accidents at the point concerned may be precluded, the flow of traffic continue unimpeded, and valuable time be not needlessly consumed, which factors are presently more important than ever because of considerations of national defense; and

WHEREAS, The elimination of such hazards, costs and inconveniences will result in a saving of approximately eighty-eight thousand one hundred twenty-four dollars ($88,124) annually, which capitalized at 5 percent, would be equivalent to a saving of one million seven hundred sixty-two thousand dollars ($1,762,000) which amount exceeds the estimated cost of one million six hundred thirty-four thousand dollars ($1,634,000) for such construction, in addition to the elimination of mounting traffic congestion, injuries, and fatalities; and

WHEREAS, An immediate hearing to apportion the cost of construction of such grade separation among the parties affected would expedite the financing of the respective assessments; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is directed to hold hearings as soon as practicable to arrive at an apportionment of costs to be assessed upon the parties affected by the construction of such grade separations; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Public Utilities Commission of the State of California, the City of Los Angeles, the City of Burbank, the County of Los Angeles, and the Southern Pacific Company.

CHAPTER 210

Assembly Concurrent Resolution No. 98—Relative to protection and preservation of underground water supplies.

[Filed with Secretary of State June 30, 1951]

Underground water supplies

WHEREAS, The underground water supplies in many parts of the State are insufficient to supply current demands; and

WHEREAS, The causes for this overdraft on underground water supplies vary in different portions of the State, both with respect to replenishment of the supplies and the use thereof; and

WHEREAS, Legislation to ameliorate presently unsatisfactory conditions with respect to ground-water supplies should be investigated with a view toward examining the feasibility of statutory regulation of use of underground water; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Water Problems is requested to conduct a study and recommend to the Legislature any feasible legislation that it believes would enable underground water supplies in the several parts of the State to be replenished to the greatest possible extent and to preserve and to protect such supplies and to assure their use in accordance with laws found necessary to assure the maximum productive use thereof; and be it further

Resolved, That the Division of Water Resources is requested to assist and cooperate with the committee in its study; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the chairman of the Joint Committee on Water Problems and a copy to the State Engineer.

CHAPTER 211

Assembly Concurrent Resolution No. 100—Relative to the approval of those certain amendments to the charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the fifth day of June, 1951.

[Filed with Secretary of State June 30, 1951.]

City of Alhambra

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the President of the City Commission and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF ALHAMBRA

Certificate

We, the undersigned, Thomas D'Arcy Quinn, Vice-President and presiding officer of the City Commission of the City of Alhambra, and Madeline E. Woodbury, City Clerk and ex-officio Clerk of the Commission of said City, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 50,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by concurrent resolution No. 14 thereof, introduced by Senator Newton W Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

Certificate

That the City Commission of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 13626, adopted on April 3rd, 1951, duly proposed to the qualified electors of the City of Alhambra those certain amendments to the Charter of said City designated as Proposed Charter Amendment Number I, and Proposed Charter Amendment Number II, and ordered said Charter Amendments to be submitted to said qualified electors at the general municipal election to be held in said City on the 5th day of June, 1951; that said proposed amendments were, on April 20th, 1951, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Alhambra Post-Advocate", and in all the editions thereof issued during such day of publication, said "Alhambra Post-Advocate" being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said 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 Alhambra Post-Advocate, 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.

That said City Commission did by ordinances Nos. 2457 and 2458 order the holding of a General and Special Municipal Election in said City of Alhambra on June 5th, 1951, for the purpose, among other things, of submitting to a vote the said proposed charter amendments, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendments, as aforesaid; and pursuant to said charter, resolution and ordinances, the said proposed amendments were submitted to the qualified electors of said City for their ratification on said June 5th, 1951, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the proposed amendments to the Charter of said City.

That the City Commission of the City of Alhambra, in accordance with the law in such cases, made and provided, did meet on the 11th day of June, 1951, at an adjourned regular meeting of such Commission and duly canvassed the returns of said election and duly found, determined and declared that the said proposed Amendment No. I and said proposed Amendment No. II of the Charter of the City of Alhambra were ratified by a majority of the electors of said City voting thereon.

That the said amendments to the Charter so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1

Article XVIII

"Section 132A: The Commission shall create a special fund to be known as the General Reserve Fund for the purpose of keeping the payment of the running expenses of said City on a cash basis. Commencing with the fiscal year 1951-1952 there shall be placed in said fund annually out of the general tax revenues of said City the sum of not less than Ten Thousand Dollars ($10,000) until said fund has reached the sum of Three Hundred Thousand Dollars ($300,000). Payments from said fund may be made by the Commission to any other fund or funds of said City for the purpose of keeping such other fund or funds upon a cash basis as nearly as may be, during such periods as such other fund or funds are depleted by reason of non-receipt of tax revenue between the close of the fiscal year and the payment of City taxes; provided that all moneys so transferred from said General Reserve Fund shall be returned thereto by said Commission from the first tax receipts available, and in any event before the end of the fiscal year in which said transfer or transfers are made." General Reserve Fund

PROPOSED CHARTER AMENDMENT NO. II

Article VII

"Section 59-A: The City of Alhambra, in addition to any other powers now or hereafter held by it, shall have the right and power to incur indebtedness to pay the cost of establishing, maintaining and operating public off-street parking facilities, consisting of public places or garages for the parking of automobiles, and all appropriate appurtenances and improvements related thereto, including all incidental costs, and to issue revenue bonds to evidence such indebtedness. Off-street parking bonds

The Commission shall provide by ordinance for the procedure and general terms and conditions under which such revenue bonds shall from time to time be sold and issued, and any other matters pertaining to such bonds.

It shall also provide by ordinance with reference to each issue of such bonds, the amount and all of the particulars, terms and conditions thereof and of their sale and issuance, which shall be consistent with the procedure ordinance provided for in the preceding paragraph.

The aggregate principal amount of bonds issued pursuant to this section shall not exceed $200,000 unless the proposition of issuing such bonds in excess of said amount shall have been submitted to the electors of the city and shall have been approved by a majority of the voters voting upon the proposition.

Such bonds shall not constitute general obligations of the city, but each issue thereof shall be payable solely from revenues specified in the proceedings for the issuance thereof, which may include revenues of off-street parking facilities, whether

Off-street parking bonds

provided out of the proceeds of such issue, or previously existing or thereafter to be established, and revenues from street-parking meters or other revenues not derived from taxation.

Such bonds, and any interest coupons pertaining thereto, may be issued in negotiable form.

Such bonds and coupons, and any other bonds and coupons issued by the city, shall be payable upon presentation, without the presentation and auditing of demands, or the drawing of warrants, provided for in Sections 131 and 132 of this charter.

Whenever the commission may deem that it will enhance the salability of any such bonds, or of any other bonds issued by the city, so to do, it may employ attorneys other than the city attorney to furnish an opinion as to the validity thereof or to render other services relating to the issuance of such bonds.

Indebtedness created under this section shall not be included in determining the amount of indebtedness which may be created pursuant to subsection 14 of section 59 of this charter."

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; we further certify that the facts set forth in the preamble preceding such amendments to such charter are true.

That as to the 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 corporate Seal of the City of Alhambra to be affixed hereto this 11th day of June, 1951.

(SEAL)

THOMAS D'ARCY QUINN
Vice-President of the Commission of the City of Alhambra
MADELINE E. WOODBURY
City Clerk and ex-officio clerk of the Commission of the City of Alhambra

and

WHEREAS, The said proposed charter 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 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

Alhambra 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 Alhambra.

CHAPTER 212

Assembly Concurrent Resolution No. 101—Relative to the silver wedding anniversary of Assemblyman and Mrs. Edward M. Gaffney.

[Filed with Secretary of State June 30, 1951]

Assemblyman and Mrs Edward M Gaffney

WHEREAS, On June 14, 1951, Assemblyman and Mrs. Edward M. Gaffney will celebrate their silver wedding anniversary; and

WHEREAS, The marriage of Assemblyman and Mrs. Edward M. Gaffney has been constantly blessed with mutual love, affection, and understanding, and such marriage has been further rewarded by the birth of six children: Sister Eleanor Marie, Matthew Thomas, Peter Joseph, Edward McGlynn, Jr., Margaret Mary, and the late Helen Regina; and

WHEREAS, The happy marriage of Assemblyman and Mrs. Edward M. Gaffney has always been regarded with the highest admiration and respect by everyone who has known them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Assemblyman and Mrs. Edward M. Gaffney are sincerely congratulated on their silver wedding anniversary with the further wish that the years will continue to bring joy and happiness to them; and be it further

Resolved, That the Chief Clerk of the Assembly prepare suitable copies of this resolution for presentation to Assemblyman and Mrs. Edward M. Gaffney and their family.

CHAPTER 213

Assembly Concurrent Resolution No. 105—Relative to advertising by Dairy Industries Advisory Board.

[Filed with Secretary of State June 30, 1951.]

Rural advertising

WHEREAS, All advertising of the Dairy Industries Advisory Board relating to dairy products is of great interest and value to producers, processors, distributors and consumers of such products in rural areas as well as in metropolitan areas; and

WHEREAS, Advertising by the Dairy Industries Advisory Board in metropolitan newspapers does not reach the greatest possible number of interested rural producers, processors, distributors and consumers of dairy products; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Dairy Industries Advisory Board be, and it is hereby, requested to investigate the placing of its valuable educational advertising with rural publications, to the end that rural consumers, distributors, processors, and producers of dairy products may have the benefit of such useful information; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, directed to transmit a copy of this resolution to the Dairy Industries Advisory Board.

CHAPTER 214

Assembly Concurrent Resolution No. 109—Relative to investigation of tax equalization by interim investigating committees and State Board of Equalization.

[Filed with Secretary of State June 30, 1951]

Investigation of tax equalization

WHEREAS, At the 1951 Regular Session of the Legislature thorough consideration was given to the subject of tax equalization as between various property taxing entities in this State both with respect to the levy of taxes therein on locally assessed and state-assessed property and with respect to subventions from the State; and

WHEREAS, It appears that additional factual information should be assembled in order that the Legislature may be fully advised when it acts on this subject; and

WHEREAS, It appears that each house of the Legislature will establish interim committees with full powers to study this problem; and

WHEREAS, The State Board of Equalization is required under law to proceed with surveys relating to this subject; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Interim Committee on Taxation of each house of the Legislature is requested to study the matter of tax equalization and in particular the provisions of Chapter 1466 of the Statutes of 1949 and the amendments thereto proposed in Senate Bill No. 919 of the 1951 Regular Session, as well as all other matters pertaining thereto, and if possible be prepared to report to the Legislature at any special session called upon this subject in 1952; and be it further

Stats. 1951, Ch. 1554

Resolved, That the State Board of Equalization cooperate with these committees in this important work; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the chairman of each Interim Committee on Taxation created at this session of the Legislature and to the Chairman of the State Board of Equalization.

CHAPTER 215

Assembly Joint Resolution No. 37—Relative to federal aid for defense highway projects.

[Filed with Secretary of State June 30, 1951.]

Defense highway projects

WHEREAS, There have been many bills introduced in the 1951 Regular Session of the California State Legislature proposing to add new routes to the California State Highway System; and

WHEREAS, The authors of these bills have urged their adoption by argument that the immediate improvement of state routes is required to provide access to defense industrial plants and military installations; and

WHEREAS, The present state highway, county road, and city street funds are insufficient to meet these urgent demands; and

WHEREAS, By precedent established in Section 12 of the Federal-Aid Highway Act of 1950 (Public Law 769, Eighty-first Congress) federal defense funds have heretofore been made available and expended in other areas of the United States for defense road requirements; and

WHEREAS, Such proposed defense highway, road, and street projects are required in the rural areas such as Lassen, Humboldt, San Bernardino, Kern, and other counties, in the metropolitan areas of the San Francisco Bay district, Sacramento, and Los Angeles, in and about the Long Beach-Los Angeles harbors and airports, and in Orange, Ventura, Riverside, and San Diego Counties, 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 the Congress of the United States to provide federal defense road funds to aid in the financing of the necessary highway, road, and street defense projects in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 216

Assembly Joint Resolution No. 39—Relative to the naturalization of alien members of the armed forces.

[Filed with Secretary of State June 30, 1951.]

Naturalization of aliens in armed forces

WHEREAS, Hostilities leading to the commitment of many thousands of soldiers, sailors, marines, and airmen of the armed forces of the United States, commenced in the Republic of Korea on June 25, 1950; and

WHEREAS, There are many persons serving in the armed forces of the United States who are not citizens of this Country; and

WHEREAS, The Congress of the United States provided that persons serving honorably in the armed forces during the period of hostilities in World War II might be naturalized by a simplified procedure, without the necessity either of prolonged service in the armed forces or compliance with the usual residence requirement of the naturalization laws of the United States; and

WHEREAS, No present law of the United States provides that persons serving in the Korean campaign may be naturalized by a simplified procedure without first serving for three years or more; and

WHEREAS, It is incongruous that the United States should require or accept the military services and high sacrifices of alien members of the armed forces in the current hostilities and not extend to those persons the privilege of citizenship in 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 respectfully memorializes the President and the Congress of the United States to enact a law similar to that one enacted to provide for the naturalization of aliens serving in the armed forces during the period beginning September 1, 1939, and ending December 31, 1946, which will apply to veterans of the armed forces serving after June 25, 1950, and before the end of the current Korean campaign; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby 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.

CHAPTER 217

Assembly Joint Resolution No. 42—Relative to appropriation for the Central Valley Project.

[Filed with Secretary of State June 30, 1951.]

Restoration of funds to Central Valley Project appropriation

WHEREAS, The United States House of Representatives has voted to reduce the budget allocation for the Central Valley Project to thirty-two million two hundred four thousand two hundred ten dollars ($32,204,210); and

WHEREAS, The Water Project Authority of the State of California has requested the Appropriations Committee of the United States Senate to establish a budget allocation of forty-four million four hundred fifty thousand dollars ($44,450,000) for this project; and

WHEREAS, A full appropriation is necessary to prevent unreasonable delay in the completion, in all its aspects, of this great project which is playing such an important part in the conservation and development of the water resources of the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Appropriations Committee of the United States Senate is urged and requested to restore and add to the budget allocation for the Central Valley Project, as approved by the House, the sum of twelve million two hundred forty-five thousand seven hundred ninety dollars ($12,245,790) as requested by the Water Project Authority; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to send copies of this resolution to the President and Vice President of the United States, to Senator Kenneth McKellar, Chairman of the Senate Appropriations Committee, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 218

Assembly Joint Resolution No. 43—Relative to the construction of St. Mary's Square Underground Garage in San Francisco.

[Filed with Secretary of State June 30, 1951.]

Allocation of materials to St. Mary's Square Garage

WHEREAS, An emergency condition confronts the City and County of San Francisco and its citizens as the result of the refusal of the National Production Authority to grant permission for the construction of St. Mary's Square Underground Garage in that city; and

WHEREAS, The construction of the St. Mary's Square Garage would facilitate war production in the area, provide an emergency bomb shelter for the civilian population and others in case of the bombing of the area, furnish a facility for the safe storage of emergency first aid, medical and food supplies, provide a central location for the direction of defense measures and dispensing of first aid in the event of a bombing attack upon the city; and

WHEREAS, Such construction would also provide new off-street parking space sufficient to relieve a substantial part of the downtown business section of traffic congestion, thus permitting the ready movement of emergency vehicles in the event of disaster; and

WHEREAS, The Mayor and the Board of Supervisors of the City and County of San Francisco, the Parking Authority of the City and County of San Francisco, the Director of the Disaster Council and Corps of the City and County of San Francisco, the State Director of Civil Defense and the principal business and civic organizations of the City and County of San Francisco have declared the construction of the St. Mary's Square Garage to be essential for these reasons; and

Allocation of materials to St. Mary's Square Garage

WHEREAS, The Mayor and the Board of Supervisors of the City and County of San Francisco have found, and by legislative action declared, that postponement of the construction of St. Mary's Square Garage at this time would cause the city and county great financial loss and work an undue hardship upon the city and county and its citizens and that the tremendous traffic congestion in downtown San Francisco occasioned by the lack of adequate off-street parking accommodations is damaging business and creating a hazard to the public peace, safety, and welfare, and impeding the National Defense Program dependent upon the San Francisco street communications' system serving branches of the military establishment based in San Francisco, as well as important business concerns contributing to the war effort; and

WHEREAS, The City and County of San Francisco has requested reconsideration of its unfavorable decision by the National Production Authority on the above and additional grounds that the construction materials required for the garage are available in adequate supply within the San Francisco Bay area and may be allotted for that purpose without adverse effect on the defense program or objectives of the National Production Authority; and

WHEREAS, The San Francisco Congressmen and the Senators from California have unanimously endorsed and supported the application of the City and County of San Francisco for permission to construct St. Mary's Square Garage and have recommended and support San Francisco's request for reconsideration; and

WHEREAS, The City and County of San Francisco, by legislative action of its mayor and board of supervisors, have requested the Governor and the Legislature of the State to join in and support its request for reconsideration by appropriate resolution and executive action; and

WHEREAS, The people of the State of California have by action of their legislative body in the Finding and Declaration of Necessity embraced in the "Parking Law of 1949" declared the necessity for the relief of traffic congestion in the cities of the State, caused in substantial part by insufficiency of space or accommodations for the parking of motor vehicles off the city streets, by the provision of additional parking facilities; and

WHEREAS, The construction of St. Mary's Square Underground Garage in San Francisco will not only relieve traffic congestion, benefit the defense program and expedite the conduct of business essential thereto, but will also furnish essential bomb shelter protection to the city's civilian population in case of need at no cost to the Federal or State Government, a benefit already recently accorded other cities of the State; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the National Production Authority to give due and careful consideration to the request of the City and County of San Francisco for reconsideration of its denial of permission to pro-

ceed with the construction of St. Mary's Square Garage and, if possible, to grant permission therefor for the reasons above set forth; 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 National Production Authority, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 219

Assembly Joint Resolution No. 45—Relative to federal aid for child care centers.

[Filed with Secretary of State June 30, 1951]

Federal aid to child care centers

WHEREAS, California has seen the necessity for the continuation of child care centers to the present date, although federal funds under the Lanham Act have been terminated; and

WHEREAS, It is doubtful if the State can continue to meet the present need; and

WHEREAS, The number of young children in this State is rapidly increasing due to the number of armed forces members in this State, or their leaving families here while overseas; and

WHEREAS, The demand for war industry workers and the high and rising cost of living takes wives, widows and others away from the care of young children in the home; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of California respectfully memorializes the President and the Congress of the United States to consider the necessity for legislation similar to the child care center support provisions of the wartime Lanham Act providing grants in aid for this purpose to states which meet the same peculiar defense emergency problems as does California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit forthwith 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.

CHAPTER 220

Assembly Constitutional Amendment No. 58—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article IV thereof, relating to public money.

[Filed with Secretary of State June 30, 1951]

Constitution Amendment Sec 22 of Art IV, re public money

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1951 General Session

commencing on the eighth day of January, 1951, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 22 of Article IV of the Constitution, to read as follows:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State; provided, that whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities; provided, further, that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; provided, further, that the Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions; provided, further, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; provided, further, that the State shall have at any time the right to inquire into the management of such institutions; provided, further, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by

any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro-rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

CHAPTER 221

Senate Concurrent Resolution No. 69—Relative to the creation of a fact-finding committee on agricultural and livestock problems.

[Filed with Secretary of State July 3, 1951.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

Joint Fact-finding Committee on Agricultural and Livestock Problems

1. The Joint Legislative Committee on Agriculture and Livestock Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any manner affecting agriculture, the livestock industry and dairying, and any and all matters incidental or pertaining thereto, and in all their several phases, including but not limited to all facts and matters pertaining to livestock diseases and the effect or possible effects thereof on the livestock industry, 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.

2. The committee shall consist of six Members of the Senate appointed by the Committee on Rules thereof, and six Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

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 1953 Regular Session with authority to file its final report not later than the last legislative day of that 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 at this session, which provisions 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 contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) 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.

(d) 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.

(e) To travel, or to appoint a subcommittee to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(f) 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 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 committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from 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 222

Senate Concurrent Resolution No. 77—Relative to the creation of a Joint Legislative Committee on Soil Conservation and defining its powers and duties.

[Filed with Secretary of State July 3, 1951.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Joint Legislative Committee on Soil Conservation

1. The Joint Legislative Committee on Soil Conservation is hereby created and authorized and directed to ascertain, study, and analyze all facts relating to soil conditions and soil conservation throughout the State, including but not limited to soil erosion caused by dust storms, and including but not limited to the operation, effect, administration, enforcement, and needed

revision of any and all laws in any way bearing down or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

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 1953 Regular Session with authority to file its final report not later than the last legislative day of that 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 has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) 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.

(d) 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.

(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.

(f) The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

6. The sum of fifteen thousand dollars ($15.000) 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 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 223

Senate Concurrent Resolution No. 80—Relative to the creation of the Joint Committee on Water Problems.

[Filed with Secretary of State July 3, 1951.]

Joint Committee on Water Problems

WHEREAS, The industry and agriculture of our State is dependent upon an adequate water supply which can be obtained only through the full development and utilization of our water resources; and

WHEREAS, Our present water supply is insufficient to fulfill even the present needs of the people of this State and the urgent need for the immediate completion of a comprehensive and coordinated program for the conservation of all of our water resources; and

WHEREAS, Much state legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much federal legislation now pending and in contemplation for enactment which would provide for various federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, The Central Valley Project is an integral part of the full development of the water resources and it is necessary to study means whereby the State can best assist in accomplishing its completion at the earliest possible date; and

WHEREAS, The San Francisco Bay area and coastal counties are in need, desperately, of an additional supply of fresh water; and

WHEREAS, It is necessary that a study be made of the means by which such a supply can be obtained for this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Water Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution; any and all phases of flood control, river flow control and equation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State; the best means of cooperation with federal, local and other governmental agencies; the feasibility of the transfer of the Central Valley Project to this State for ownership and operation, including the development of plans for the negotiation of such transfers; and the means for securing an additional fresh

water supply for the San Francisco Bay area and coastal counties, 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. Joint Committee on Water Problems

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

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 1953 Regular Session, with authority to file its final report not later than the final legislative day of that 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 at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee or any subcommittee may meet and travel within or outside this State in pursuing the investigations committed to it.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) 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.

(d) 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.

(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.

(f) To employ engineers and such other technical and clerical assistants as may be necessary to enable the committee to properly conduct its studies.

7. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the

Contingent Funds of the Senate and 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 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 224

Senate Concurrent Resolution No. 87—Relative to financing of schools.

[Filed with Secretary of State July 3, 1951.]

Subcommittee to study school financing

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate Finance Committee and Assembly Committee on Ways and Means, in their respective capacities as interim committees, are each requested and directed to appoint a subcommittee of three members for the purpose of conducting, jointly, a study of problems relating to apportionment of school funds and the financing of adult education, and to recommend to the Legislature prior to the fifth day of the 1953 Regular Session, (a) legislation designed to establish a feasible system of apportionment that will afford the most equitable method of financing schools of this State, and (b) legislation designed to establish a pattern for financing the adult education program, including provision for adequate auditing and accounting of funds to be expended for such program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the chairman of the Senate Finance Committee and the chairman of the Assembly Committee on Ways and Means.

CHAPTER 225

Senate Concurrent Resolution No. 94—Relative to effecting adequate information to California suppliers and declaring a public policy thereon.

[Filed with Secretary of State July 3, 1951.]

Information to California bidders

WHEREAS, California contractors and labor have complained that catalog references by state officials in calls for bids and in specifications for plans have put California industry and labor at a disadvantage because in many instances these catalogs are not readily available to California bidders and that even when available, the descriptions in such catalogs are insufficient to permit California industries to bid intelligently; and

WHEREAS, Section 4334 of the Government Code permits California bidders to be 5 percent above the lowest other bids; and

WHEREAS, It is hereby declared to be the policy of the State of California to encourage and assist California industry and labor in the production and sale of articles, including buildings, fixtures, equipment, and supplies, which are fabricated and assembled in the State. For the purpose of giving full employment to California industry and labor to the maximum possible extent, the State should draft specifications and call for bids in such a manner as to enable California manufacturers at all times to compete on as nearly as practicable equal footing with manufacturers and suppliers in other states; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Finance, the State Purchasing Agent, the State Architect, the Director of Public Works, are hereby requested to investigate as soon as practicable and in any case not later than August 1st, the complaints and problems described herein, and thereafter as soon as practicable and in any case not later than September 1st, to meet with representatives of the California Manufacturers Association, the Chambers of Commerce of San Francisco and Los Angeles, the State Federation of Labor (AFL), the San Francisco and Los Angeles Building Trades Councils, the CIO of California, the Associated General Contractors, the Architects Association of California, and other representatives of California industry and labor affected by state contracts for construction and purchase of materials for construction; and be it further

Resolved, That said state officials are hereby requested to investigate particularly the proposed policies set forth in Senate Bill No 1827 introduced in the Senate of California May 25, 1951; and that said state officials are hereby requested also to investigate the advantages and disadvantages of a policy which would require that use by the State of catalog references in specifications and calls for bids be confined to such articles as are available to all contractors through regular commercial outlets, which are commonly so specified in general practice and for which a catalog reference is a sufficient description to enable the securing of competitive bids from other firms which customarily fabricate equivalent articles; and be it further

Resolved, That said state officials are hereby requested to make a written report on or before February 1, 1952, to the Governor and the Legislature covering the following matters:

(a) The results of the investigation and meetings described above.

(b) What action, if any, has been taken by said state officials to eliminate the use of catalog references which put California manufacturers and contractors at a disadvantage.

(c) The results of such action and a statement as to whether California industry and labor representatives are satisfied that the State of California is doing everything possible to protect their interests in the matter.

(d) The recommendations, if any, for legislative or executive action to carry out the policy stated herein; and be it further

Resolved, That copies of this resolution be sent to the state officials and organizations mentioned above.

CHAPTER 226

Senate Joint Resolution No. 36—Relative to the need for materials for construction of additional school and college buildings in California.

[Filed with Secretary of State July 3, 1951.]

Allocation of materials to Riverside branch of the University of California

WHEREAS, The population of the State of California has increased by almost 4,000,000 during the past 10 years; and

WHEREAS, The colleges of California are so overcrowded that the youth of this State are being deprived of an opportunity to secure technical and professional training to fit them to cope with the demands of modern life and industry or to successfully serve the military and naval establishments of our Country in a time of rapidly growing military science; 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 National Production Authority to give prompt attention to the need of material for the construction of the Riverside branch of the University of California to serve a growing surrounding population of a million people now without any state supported university or college level institution; and be it further

Resolved, That the Secretary of the Senate be hereby 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, to each Senator and Representative from California in the Congress of the United States, and to the National Production Authority.